

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1531 of 2019

Arising Out of PS. Case No.-41 Year-2018 Thana- MAHILA P.S. District- Samastipur

Navin Poddar @ Navin Poddhar Son of Sri Lalit Poddar Resident of Village-
Sheadipur, P.S.- Bibhutipur, District- Samastipur.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Pavitri Kumari Daughter of Ram Sebak Ram Resident of Village- Rotganna,
P.S.- Bibhutipur, District- Samastipur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Debesh Kumar Poddar
For the Respondent/s : Mrs. Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

5 05-09-2019 Heard learned counsel for the appellant and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act against the refusal of prayer of anticipatory bail
vide order dated 06.02.2019 passed by learned 1st Addl. Sessions
Judge cum Special Judge, SC/ST Act, Samstipur in Samastipur
Women P.S. Case No. 41 of 2018 registered under Sections 376
of the Indian Penal Code, Sections 3(1)(r)(s), 3(s)(va) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act and Section 4 of POCSO Act.

Appellant is said to have established sexual relation



with the informant for two years on the pretext of performing marriage with her, but he did not perform marriage with her rather avoided.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in this case. By filing marriage card and photograph, it is further submitted that the appellant has performed marriage with some other person on 13.07.2018 i.e. more than two months preceding to the filing of the FIR. Appellant has no criminal antecedent, hence, he may be enlarged on bail.

Per contra, learned Spl. P.P. for the State and learned counsel for the informant opposing the bail prayer of the appellant submitted that there is allegation against the appellant of committing rape against the informant for two years on the pretext of marriage. Victim in her statement recorded under Section 164 Cr.P.C. and numbers of witnesses in the case diary, have supported the occurrence, and moreover, process under Sections 82 and 83 Cr.P.C. have also been issued against him, and in compliance of the aforesaid process, the properties of the appellant has been attached, hence, the appellant do not deserve bail.



Having regard to the facts and circumstances of the case, I am not inclined to enlarge the appellant on bail. Accordingly, his prayer is rejected.

However, appellant is directed to surrender before the court below within six weeks and seeks regular bail and learned court below shall pass order in accordance with law considering the facts and circumstances of the case without being prejudiced by this order.

Accordingly, this appeal is dismissed.

(Prakash Chandra Jaiswal, J)

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