

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1884 of 2019**

Arising Out of PS. Case No.-2 Year-2019 Thana- PAKARIBARAW District- Nawada

=====

Birendra Kumar Son of Late Rajendra Saw Resident of Village - Shanti
Nagar, Pakribarawan, P.S.- Pakribarawan, District- Nawada

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Raj Kumar
For the Respondent/s : Mr. Sadanand Paswan

=====

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

ORAL ORDER

4 23-07-2019 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 for bail vide order
dated 09.04.2019 passed by learned 1st Addl. Sessions Judge-
cum-Special Judge, Nawada in Pakribrawan P.S. Case No. 2 of
2019 registered under Sections 366(A)/34 of the Indian Penal
Code, Section 8 of POCSO Act and Section 3(w)(ii) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act.

Appellant is said to have kidnapped the minor



daughter of the informant in association of other accused persons.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. He has been falsely implicated in this case due to personal grudge and animosity. There is no specific allegation of any overt act against the appellant. He is a married person and he is not expected to commit such type of offence. The victim was recovered from the Bus stand Pakribaraw during the course of proceeding to somewhere else. He has no criminal antecedent and has been languishing in custody since 18.01.2019, hence, he may be enlarged on bail.

Per contra, learned counsel for the informant and learned Spl. P.P. for the State vehemently opposing the bail prayer of the appellant submitted that the appellant has kidnapped the minor daughter of the informant. Victim in her statement recorded under Section 164 Cr.P.C. has candidly stated that the appellant after kidnapping her took her at Delhi and kept her in a hotel for thirteen days and committed rape against her time and again.

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 and this appeal is dismissed.

(Prakash Chandra Jaiswal, J)

rohit/-

U		T	
---	--	---	--

