

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2217 of 2019

Arising Out of PS. Case No.-426 Year-2018 Thana- MAJORGANJ District- Sitamarhi

NARENDRA SINGH @ BIHARI @ CHHOTU Son of Shivaji Singh
Resident of Village-Khairwa Khurd, P.S.-Majorganj, District-Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Uday Kumar

For the Respondent/s : Mr.Usha Kumari 1

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

ORAL ORDER

3 02-07-2019 Heard learned counsel for the appellant and learned
Spl. P.P. 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 16.4.2019 passed by learned Special Judge POCSO Act, Sitamarhi in connection with Majorganj P.S. Case No. 426 of 2018 registered under Sections 376, 341, 323, 504 of the Indian Penal Code and Section 6/8 of the POCSO Act and also under Section 3 (r) (s) w (i) (ii) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant is said to have established sexual relationship with the informant on the pretext of performing



marriage with her and when she became pregnant he resiled from his commitment.

It is submitted by the learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in this case. As a matter of fact, victim was in love with the appellant and there has been consented sexual relationship between them and on medical examination doctor has not found any sign of rape against her. Appellant has no criminal antecedent. He has been languishing in custody since 14.12.2018, hence appellant be enlarged on bail.

Learned Spl. P.P. for the State vehemently opposing the prayer for bail submitted that victim happens to be minor aged about 14 years and the appellant has established sexual relationship with her time and again resultantly she became pregnant. As victim is minor hence the consent of victim towards the establishment of sexual relationship is not material.

Considering the facts and circumstances of case, I am not inclined to enlarge the appellant on bail. The prayer for bail of the appellant is hereby rejected.

However, learned Trial Court is directed to conclude the trial as expeditiously as possible preferably within nine



months after framing of charges.

According, this appeal is dismissed.

(Prakash Chandra Jaiswal, J)

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