

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2332 of 2019

Arising Out of PS. Case No.-260 Year-2018 Thana- KUSHESHWARASTHAN District-
Darbhanga

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ALOK KUMAR @ SANDIP ROY @ SANDEEP KR. RAY @ ALOK
KUMAR RAY Son of Jibachh Roy Resident of Village - Hathauri, Tole
Basaul, P.S.- Kusheshwar Asthan, Dist.- Darbhanga.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Alok Kumar Jha

For the Respondent/s : Mr.Sadanand Paswan

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

ORAL ORDER

4 20-08-2019 Heard learned counsel for the appellant and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST
Act against the refusal of prayer for bail vide order dated
13.05.2019 passed by learned 1st A.D.J. cum Special Judge,
SC/ST POCSO Act, Darbhanga in Kusheshwar Sthan P.S. Case
No. 260 of 2018, POCSO G.R. Case No.51/18 registered under
Sections 147, 341, 342, 376, 504, 506 of the Indian Penal Code,
Section 4 POCSO Act and Sections 3(i)(r)(s) of the SC/ST Act.

When the deaf and dumb minor daughter of the
informant had gone to the field for excreting, appellant
committed rape against her. Informant and her daughter-in-law



arriving at the place of occurrence found the appellant climbing over the person of the victim. Then the appellant managed to escape. Victim indicated her about committing rape against her by the appellant.

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 the case due to dirty village politics. The statement of the victim was recorded under Section 164 Cr.P.C. in presence of the informant who happens to be mother of the victim which creates doubt about the sanctity of the aforesaid statement. Medical report also does not corroborate the prosecution case. Appellant has no criminal antecedent and has been languishing in custody since 15.04.2019.

On the other hand, learned Spl. PP for the State opposing the bail petition submitted that the statement of the victim was recorded under Section 164 Cr.P.C. with the help of interpreter and she has supported the occurrence of committing rape against her by the appellant and informant and the witness Archana Devi who happen to be eye witness of the occurrence have supported the occurrence and they have unanimously stated that when they arrived at the place of occurrence in



search of the victim, they found the appellant climbing over the person of the victim. Hence the appellant does not deserve bail.

Having regard to the facts and circumstances of the case, I am not inclined to enlarge the appellant on bail. Prayer for bail of the appellant is rejected. Accordingly this appeal is dismissed.

However, learned Trial Court is directed to conclude the trial as expeditiously as possible preferably within six months after framing of charge and S.P., Darbhanga is directed to ensure production of the witnesses in the case on each and every date fixed in the case without fail.

Let a copy of this order be communicated to S.P., Darbhanga by fax for needful.

(Prakash Chandra Jaiswal, J)

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