

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2577 of 2019

Arising Out of PS. Case No.-302 Year-2018 Thana- BYPASS District- Patna

AVINASH KUMAR @ GOLU S/o Sohan Kewat @ Sohan Choudhary R/O
Mohalla- Hamampar, P.S.- Khajekalan, Distt.- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rina Sinha
For the Respondent/s : Mr.Sadanand Paswan

**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 SC/ST Act against the refusal of prayer for bail vide order dated 04.05.2019 passed by learned Special Judge, SC/ST Act, Patna in Bypass P.S. Case No. 302 of 2018 registered under Sections 363, 504, 506 and 376 of the Indian Penal Code and Sections 3(1)(va) of the SC/ST Act and Section 4 of the POCSO Act.

Appellant is said to have kidnapped the minor sister of the informant while she had gone to market to fetch household articles and appellant also informed about kidnapping of her sister by him to the informant extending threatening by phone.



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. As a matter of fact, victim was in love with the appellant and suo motu eloped with him and is now residing with the family members of the appellant at his house. She has entered into compromise with the appellant. On medical examination, doctor has not found any sign of rape against the victim. Appellant has no criminal antecedent and has been languishing in custody since 27.11.2018. Hence he may be enlarged on bail.

On the other hand, learned Spl. PP for the State and learned counsel for the informant vehemently opposing the bail petition submitted that the victim in her statement recorded under Section 161 Cr.P.C. as well as under Section 164 Cr.P.C. has unanimously stated that the appellant kidnapping her on the point of gun locked her in a room for three days and committed rape against her time and again. It is further submitted by learned counsel for the informant that even on today he has been informed that the victim has again been kidnapped by the family members of the appellant. 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.S.P., Patna 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.S.P., Patna by fax for needful.

(Prakash Chandra Jaiswal, J)

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