

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5231 of 2019

Arising Out of PS. Case No.-341 Year-2018 Thana- BALIYA District- Begusarai

ANIL SAH Son of Dhrub Sah R/o- Manserpur, P.S.- Ballia, District -
Begusarai

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Chandan Kumar Kashyap, Advocate
For the Respondent/s : Mr. Sadanand Paswan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 02-12-2019 Heard learned counsel for the parties.

Appellant is in custody since 02.01.2019. Allegation is that he committed rape against a minor who was a member of the scheduled caste.

Learned counsel for the appellant submits that the victim travelled along with the appellant and others to different places including Delhi and Mumbai without making any protest. Hence, she was consenting party.

Consent and no consent of a minor has no relevance when she has alleged commission of rape by the appellant in her statement under Section 164 Cr.P.C., therefore, I am not inclined to enlarge the appellant on bail in connection with POCSO Case No. 07 of 2019 arising out of Ballia P.S. Case No. 341 of 2018 pending in the court of learned 1st Additional Sessions Judge-cum-Special Judge, POCSO Act, Begusarai.



Accordingly, this appeal against refusal of prayer for bail is dismissed as devoid of any merit.

Trial court is directed to expedite the trial.

(Birendra Kumar, J)

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