

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5236 of 2019

Arising Out of PS. Case No.-38 Year-2019 Thana- SUGAULI RAIL P.S. District- West
Champaran

TUNNU SAH @ TUNNA SAH Son of Bulena Sah Resident of Village -
Saharswa, P.S.- Gopalpur, Distt.- West Champaran. Appellant
Versus

The State of Bihar Respondent

Appearance :

For the Appellant/s : Mr.Sanjay Kumar No 7, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 02-12-2019 Heard learned counsel for the appellant and learned
Spl. P.P. for the State.

The appellant in the present case is seeking to challenge the order dated 25.09.2019 passed by learned Ist Additional Sessions Judge-cum-Special Judge (SC/ST/POCSO), Bettiah, West Champaran in A.B.P. No. 2238 of 2019 arising out of Rail Sugauli Bettiah P.S. Case No. 38 of 2019 registered for the offences under Sections 376(b), 376 (c)/34 of the Indian Penal Code, under Sections 4/6 of the POCSO Act and Sections 3(i) (xii) of SC/ST (Prevention of Atrocities) Act.

By the impugned order prayer for anticipatory bail of the appellant has been rejected.

Learned counsel for the appellant submits that the informant had performed marriage with the appellant in the year 2007 and she is the wife of the appellant. It is further



submitted that the informant is aged about 18 years and as such no offence under the POCSO Act is made out against the appellant.

Learned Spl. P.P. has opposed the prayer of anticipatory bail of the appellant.

Considering the facts and circumstances of the case wherein it is the allegation against the appellant that he had committed rape upon the victim girl whom he claims to be his wife and further that the alleged offence has been committed during the pendency of earlier case being Kangli P.S. Case No. 66 of 2017 while she was being brought to the Remand Home in connection with the said case and further that the petitioner has been absconding and process under Section 82 Cr.P.C. has been taken out against him, this Court is not inclined to grant privilege of anticipatory bail to the appellant.

The appeal is dismissed.

In case the appellant surrenders and prays for regular bail before the learned court below within a period of four weeks from today, his prayer for regular bail shall be considered on its own merit without being prejudiced by the present order.

(Rajeev Ranjan Prasad, J)

avin/-

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

