

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4844 of 2018

Arising Out of PS. Case No.-698 Year-2017 Thana- BARACHATTI District- Gaya

=====

Satish Kumar @ Kailu Son of Umesh Prasad Resident of Village- Bumuar,
P.s.- Mohanpur, Distt.- Gaya

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr.Nikhilesh Kumar
For the Respondent/s : Ms. Usha Kumari No-1

=====

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 22-01-2019 Heard learned counsel for the parties.

This is an appeal under Section14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail by order dated 27.11.2018 passed by the learned Additional Sessions Judge-1st, Gaya – cum- Special Judge, POCSO Act in connection with POCSO Case No.85 of 2018 arising out of Barachatti (Mohanpur) P.S. Case No.698 of 2017 registered under Sections 366(A)/34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Informant has alleged that on 03.11.2017, his minor daughter had gone outside the house to attend the call on nature at 7 p.m. but did not return back and after much search, it was



revealed that the appellant along with other accused persons named in the F.I.R. kidnapped his daughter.

It has been submitted on behalf of the appellant that he is innocent and has been falsely implicated in this case. However, victim girl in her statement recorded under Section 164 Cr.P.C. has supported the direct allegation of kidnapping and committing rape with her against the appellant.

Considering the aforesaid facts and circumstances of the case and also the fact that there is direction allegation against the appellant of kidnapping and committing rape with the minor daughter of the informant, I am not inclined to enlarge the appellant on bail at this stage. Hence, the prayer for bail of the appellant is hereby rejected.

However, the appellant would be at liberty to renew his prayer for bail after completion of one year in judicial custody.

(S. Kumar, J)

Sanjay/-

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

