

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.245 of 2020

Arising Out of PS. Case No.-26 Year-2018 Thana- MAHILA P.S. District- Vaishali

SONU KUMAR, aged about 21 years, Male, son of Tejnarayan Roy @ Bhuil Roy, Resident of Village - Warispur Maal, P.S.- Bhagwanpur, District- Vaishali

... .. Appellant

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sunil Kumar Singh, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

7 04-11-2020 Heard learned counsel for the parties through
Virtual Court Proceeding.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, against the refusal of prayer for regular bail vide order dated 29.11.2019 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Vaishali at Hajipur, in connection with Mahila P.S. Case No. 26 of 2018, registered for the offence under Section 366(A), 342, 376(2) (1)/34 of the Indian Penal Code, under Sections 4, 6, 8, 10, 17, 18 of the POCSO Act and under Section 3(i)(w)(i)(ii), 3(2)(v) of Schedule Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.



Allegation has been made that appellant along with co-accused Jai Ram Thakur and Satya Prakash forcibly took the informant in a four wheeler and made her senseless by getting her inhaled some intoxicating substance. On regaining sense, she found herself in a room, where the appellant committed rape on her time and again. Later on, all the accused persons left her at Muzaffarpur Station from where she anyhow managed to return back home. The victim girl (informant) in her statement recorded under Section 164 of the Cr.P.C. reiterated the allegation of commission of rape upon her.

Learned counsel for the appellant submits that paragraph nos. 27 and 28 of the case diary reflects that she was married in another village against her will and from there she eloped but, subsequently both the prosecution witnesses have supported the prosecution case. He further submits that three criminal cases have been lodged with regard to the incident, inasmuch as, the victim girl in her earlier complaint petition has stated that she was let free on 06.08.2018 whereas, the father of the victim has stated that the victim was not recovered till 14.08.2018, so there is contradiction between the statement of the victim and her father, which creates serious doubt about the prosecution case.



Looking to the seriousness of the allegation made against the appellant, this Court is not inclined to grant bail to the appellant. Accordingly, the prayer for bail is rejected for the present.

Accordingly, this appeal stands dismissed.

(Shivaji Pandey, J)

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