

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1215 of 2020**

Arising Out of PS. Case No.-63 Year-2019 Thana- MAHILA P.S. District- Muzaffarpur

CHANDRA SHEKHAR KUMAR @ CHANDRASHEKHAR Son of Prabhu
Ray Resident of Village - Koeili Bharaw, P.S. - Minapur, District -
Muzaffarpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shyam Bihari Singh, Adv.
For the Respondent/s : Ms. Usha Kumari 1, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

5 03-09-2020 Heard the learned counsel for the appellant
and Ms. Usha Kumari No. 1, the learned APP for the
State.

The present appeal has been filed against the
order dated 5.2.2020 passed by the learned court
of 1st Additional Sessions Judge, Muzaffarpur in
Mahila P.S. Case No. 63 of 2019, whereby and
whereunder the prayer of the appellant for grant of
bail has been rejected.

The brief facts of the case are that the
informant, aged about 15 years, is stated to have
left her home on 09.12.2019 for the purposes of
her study by a tempo to Radha Devi Uchch Balika



Madhya Vidyalaya, Sikandarpur and at about 1:00 PM., she had come out of the school in order to go back to her home and had signalled to a tempo on the road to stop, whereafter she had climbed into the tempo in which three more persons were sitting. Subsequently, it has been alleged that when the informant wanted to get down, all the three persons, sitting in the tempo did not allow her to get down and on the contrary, had shut her mouth and had taken her into a double storied house where they had committed rape upon her as also had taken her photograph and warned her that in case, she raised any alarm, the photographs would be made viral. On the basis of the said fardbeyan of the informant/ victim, Mahila P.S. Case No. 63 of 2019 was registered against the accused persons under Sections 376-P, 341, 323, added Sections 3(i)(R)(S) 2(va) of the SC/ST Act and Sections 4 /6 of the POCSO Act.

The learned counsel for the appellant has submitted that the appellant is innocent, he has been falsely implicated in the present case and the



name of the appellant has transpired subsequently, hence, the appellant has been implicated in this case belatedly with an oblique motive. It is further submitted that the appellant is having a clean antecedent and he is languishing in custody since 14.12.2019.

Per contra, the learned counsel for the respondent-State has vehemently opposed the prayer for bail and has submitted that both the statement of the victim girl made under Section 164 Cr.P.C. before the learned Magistrate as also the medical report corroborates the commission of the alleged offence by the appellant herein, hence, no lenient view is required to be taken for such a heinous crime.

I have heard the learned counsel for the parties, considered the submissions made by them and gone through the materials on record as also perused the case diary from which it is apparent that a prima facie case is definitely made out against the appellant herein of having committed rape upon the victim girl, which also stands



corroborated from the statement made by the victim girl under Section 164 Cr.P.C., hence, this Court finds that there is no merit in the prayer of the appellant for grant of bail, specially in view of the heinous crime of rape committed by him, thus, the present appeal stands dismissed.

(Mohit Kumar Shah, J)

Ajay/-

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

