

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1341 of 2020

Arising Out of PS. Case No.-646 Year-2018 Thana- SONEPUR District- Saran

Sumit Kumar Son of Late Dilip Singh, resident of village-Barbatta, P.S.-
Sonpur, District-Saran.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Bindyachal Singh, Adv.
		Mr. Ram Binod Singh, Adv.
For the Respondent/s	:	Usha Kumari, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 26-06-2020 Heard Mr. Bindyachal Singh, learned counsel for the petitioner and Usha Kumari, Special Public Prosecutor for the State through Video Conferencing.

In this appeal, the appellant is seeking regular bail in connection with Sonpur P.S. Case No. 646 of 2018 registered for offence punishable under sections 376, 341, 323 of the Indian Penal Code, section 4 of the POCSO Act and section 3(i) (xii) 2 (v) of the SC/ST Act.

Allegation has been made that forcibly the appellant took away the victim to the bush and committed rape on her which has been stated by the victim in her statement recorded under section 164 Cr.PC.

Learned counsel for the appellant submits that the



statement made in the FIR and the statement of victim recorded under section 164 Cr.PC. is not consonance to each other. The doctor has not found any material implicating the present appellant, but the victim in her statement recorded under section 164 Cr.PC. has specifically stated about commission of rape on her by the appellant.

Looking to the entire facts and circumstances of the case, this Court is not inclined to grant bail to the appellant for the present and accordingly his prayer for bail is rejected.

(Shivaji Pandey, J)

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