

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1527 of 2020

Arising Out of PS. Case No.-75 Year-2018 Thana- MEDNI CHAUKI District- Lakhisarai

Mukesh Kumar @ Akash Kumar Son of Shiv Nandan Bind Resident of
Village- Khawa, Bind Toli, P.S.- Mednichowki, District- Lakhisarai.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjeev Kumar
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 24-11-2020 Heard learned counsel for the appellant and learned
Special P.P. for the State.

The present appeal has been filed for setting aside the order dated 08-06-2020 passed by learned A.D.J.-I cum Special Judge, Lakhisarai in B.P. No. 549 of 2020, arising out of Mednichowki P.S. Case No. 75 of 2018 registered for the offence punishable under Section 376 of the Indian Penal Code, Section 3(2)(v) of SC/ST Act and Section 4 of POCSO Act, whereby the prayer for bail of appellant was rejected.

As per the prosecution case, on 30-09-2018 at about 10 PM, when the informant was alone in her house, the appellant forcibly entered into her house and abused and assaulted her. It is further alleged that this appellant forcibly established sexual relation with the informant, who is minor girl



aged about 14 years.

It is submitted on behalf of appellant that appellant has been falsely implicated in this case and on the instruction of the victim girl, the appellant had entered into her house. It is further submitted that alleged occurrence has taken place 01-10-2018 and statement of the victim under Section 164 Cr.P.C. was recorded on 03-10-2018, in which, she has stated that she has no knowledge about the date and time of the alleged occurrence. The appellant is in custody since 02-10-2018.

However, learned Special P.P. has opposed the appeal and submitted that there is specific allegation against this appellant that he committed rape with the minor girl, who is aged about 14 years, and this fact has also been supported by the victim in her statement recorded under Section 164 Cr.P.C.

Considering the aforesaid facts and circumstances, the appeal, which has been filed for grant of bail, is rejected.

(Prabhat Kumar Singh, J.)

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