

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1530 of 2020

Arising Out of PS. Case No.-63 Year-2020 Thana- BARACHATTI District- Gaya

Chotu Kumar @ Makhan S/o Vijay Singh Resident of Village-Pathra, P.S.-
Mohanpur, District-Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Anil Kumar Saxena
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 16-06-2020 passed by learned Special Judge (POCSO Act), Gaya in POCSO Case No. 16 of 2020, arising out of Barachatti P.S. Case No. 63 of 2020, registered for the offence punishable under Sections 376, 376(E), 324 of the Indian Penal Code, Section 3(1)(r)(s)(w)(i) of SC/ST Act and Section 6 of POCSO Act, whereby the prayer for bail of appellant was rejected.

As per the prosecution case, on 02-02-2020 at about 9:10 PM, this appellant is alleged to have entered into the house of informant and tried to commit rape with her and when the informant (victim) raised alarm, then her father came and tried



to save his daughter, then this appellant is alleged to have given repeated knife blow on informant's father. It is further alleged that earlier also, the appellant took away informant to Delhi and while she was returning home, this appellant had committed rape with her.

It is submitted on behalf of appellant that due to some money transaction between the parties, appellant has been falsely implicated in this case and the falsity of the prosecution case is apparent from the different version given in the FIR as well as in the statement recorded under Section 164 Cr.P.C. by the informant (victim). It is further submitted that alleged occurrence has taken place on 02-02-2020, but FIR has been lodged on 04-02-2020. It is further submitted that victim was medically examined on 05-02-2020 and doctor did not find any sign of rape and assessed the age of informant to be 18 plus.

However, learned Special P.P. has vehemently opposed the appeal and submitted that victim in her statement recorded under Section 164 Cr.P.C. has fully supported the prosecution case and from perusal of medical report, it is apparent that possibility of rape has not been denied and as such, the appellant does not deserve bail.

Considering the aforesaid facts and circumstances, I



am not inclined to interfere with the order impugned and as such, the appeal, which has been filed for grant of bail, is rejected.

(Prabhat Kumar Singh, J.)

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