

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1538 of 2020

Arising Out of PS. Case No.-7 Year-2020 Thana- MAHILA PS District- Buxar

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Aditya Kumar @ Aditya Kumar Chouhan @ Noniya Son of Rajendra Singh
@ Rajendra Chouhan Resident of Harpur Dera, P.S.- Itarhi, District- Buxar.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Anil Kumar Roy
For the Respondent/s : Mrs.Usha Kumari

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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 09-01-2020 passed by learned A.D.J.-I cum Special Judge, Buxar in POCSO Case No. 1 of 2020, arising out of Buxar (Mahila) P.S. Case No. 7 of 2020, registered for the offence punishable under Section 376(D) of the Indian Penal Code, Sections 3(1)(r)(w), 3(2)(v) 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 08-01-2020 at about 6:00 AM, while the informant was going to attend coaching class, this appellant along with other accused persons committed rape with her taking turns.



It is submitted on behalf of appellant that though appellant is named in the FIR but in statement recorded under Section 164 Cr.P.C., the informant (victim) has not named this appellant. It is further submitted that in the medical report, doctor has not found any sign of present sexual act.

However, learned Special P.P. has opposed the appeal and submitted that in statement recorded under Section 164 Cr.P.C., the age of the girl has been assessed as 13 years and four persons have committed rape. It is further submitted that victim in her re-statement in paragraph – 3 has stated that this appellant has committed rape upon her.

Considering the aforesaid facts and circumstances, I do not find any ground to interfere with the order of the learned court below and as such, the appeal, which has been filed for grant of bail, is hereby rejected.

(Prabhat Kumar Singh, J.)

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