

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1302 of 2021**

Arising Out of PS. Case No.-47 Year-2019 Thana- MAHILA P.S. District- Rohtas

PINTU KUMAR @ ABHISHEKI KUMAR S/O SRI SUDAMA SINGH R/O
VILLAGE-GOSAIPUR P.S-BAGHAILA, DISTRICT-ROHTAS.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajesh Kumar Singh, Adv
For the Respondent/s : Mr. Sadanand Paswan, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

8 13-08-2021 In view of sudden resurgence of COVID – 19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned counsel for the appellants and the learned Special P.P. for the State.

This Court would expect that the appellant's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

The appellant has preferred the present appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of his prayer for bail, vide order dated 20.10.2019 passed by the learned Additional District and Sessions Judge- VI Exclusive Special Court, POCSO Rohtas at Sasaram in POCSO Case no 65/2019 arising out of Mahila



P.S. Case No. 47/2019 instituted for the offence under Section 376 of the Indian Penal Code, and Section 4 of POCSO Act and Section 3(i) (w) of the SC/ST (POA) Act, 2015 and also for setting aside the aforesaid order dated 20.10.2019.

Since 12.9.2020 the petitioner is stated to be in custody. The informant has alleged that his daughter aged 15 years has been kidnapped by the instant appellant, on the allurements of marriage. The petitioner thereafter has refused to solemnize marriage. In the meantime, he has forcibly established physical relation with the victim (minor).

Under earlier order passed in these proceedings, this Court had called for the statement of victim recorded under Section 164 Cr.P.C. The same supports the entire allegation.

Learned APP, relying on the material collected during the course of investigation, submits that the appellant being the perpetrator of such crime against a minor girl may not be granted the privilege of bail.

Considering the rival submissions, this Court, for the present, is not inclined to allow appellant's prayer for bail. The same is rejected.

The appeal is thus dismissed.

This Court, however, observe that the Court below shall make all endeavors to expedite the trial without any undue delay or unnecessary adjournments.



The statement under Section 164 Cr.P.C. may be kept
on the record under sealed cover.

(Madhuresh Prasad, J)

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