

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.409 of 2020

Arising Out of PS. Case No.-103 Year-2019 Thana- PANDARAK District- Patna

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Anand Mohan @ Anand Mohan Singh aged about 24 years Son of Sri Vipin Singh Resident of Village-Saidapur, P.O-Kaondi, P.S.-Pandarak, District-Patna.

... .. Appellant

Versus

The State of Bihar

... Respondent

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Appearance :

For the Appellant : Mr.Sunil Kumar Singh, Advocate

For the Respondent : Mr.Sadanand Paswan, Spl PP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 27-01-2021 Heard learned counsel for the petitioner and the State.

The present appeal has been filed for setting aside the order dated 16-01-2020 passed by I/C Additional Sessions Judge VIII cum Special Judge, SC/ST Act, Patna in Pandarak Police Station Case No. 103/2019 (Special case no.474 of 2019) registered for the offences punishable under Sections 363, 366, 376(g), 506/34 of the Indian Penal Code and Section 3(1)(r)(w) of the SC/ST Act, whereby prayer for bail of appellant was rejected.

As per the prosecution case, the informant met the appellant at Bakhtiyarpur Railway Station and, on being acquainted, loving relationship developed between them. It is further alleged that in June, 2019, on the call of appellant, she came at Kaondi and started talking till evening. During course



of the said transaction, appellant proposed her to marry and took her to a school and made physical relation with her. Soon thereafter, two friends of the appellant, namely, Manish Kumar and Suraj Bhan Singh came there by a motorcycle. They too indulged in gossip with her in the said school and tried to make physical relation which was opposed by the informant on which the appellant asked her to fulfil the desire of his friends, otherwise they would make the obscene video viral. Thereafter, said two co-accused persons also made physical relation with the informant and video to the occurrence was recorded by the appellant. Many times accused persons made physical relation with the informant threatening her to make the video clippings viral and thus she became pregnant. Thereafter, appellant refused to marry the informant.

It is submitted on behalf of appellant that though the alleged occurrence took place on 1.6.2019 but the informant lodged the instant case after almost four months thereafter without explanation of delay. The victim is major and with the consent of informant physical relation was made by the appellant.

However, learned Special P.P. has opposed the appeal and submitted that there is specific allegation of committing



rape against the appellant which has also been corroborated by the victim herself in her section 164 Cr.P.C. statement.

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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