

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1836 of 2021

Arising Out of PS. Case No.-206 Year-2015 Thana- BARACHATTI District- Gaya

RAMASHISH KUMAR @ RAMASHISH YADAV SON OF NAGINA
YADAV R/O VILLAGE- DAHIYAR, P.S.- BARACHATTI, DISTRICT-
GAYA.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr. Binod Kumar Sinha, Advocate
For the State : Ms. Usha Kumari No. 1, Spl. PP.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 16-08-2021 Heard the parties in virtual Court proceeding.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer for bail by order dated 13.01.2021 passed by the learned Additional Sessions Judge-VII cum Exclusive Special Judge, POCSO Act, Gaya in connection with POCSO Case No. 37 of 2015 arising out of Barachatti P.S. Case No. 206 of 2015 registered under Sections 376(D), 120B of the I.P.C., and Section 3(2)(v) of the SC/ST Act.

The victim girl alleges gang rape committed against her by two persons including the appellant.

Learned counsel for the appellant submits that there is



unexplained delay of five days in lodging of the FIR. The doctor has not found any injury on the body of the victim though hymen was found old ruptured.

At this stage, the victim cannot be disbelieved for being non corroborated by the medical evidence and lapses on the part of the investigating agency to not ensure medical examination by a team of doctors rather the report of single doctor is there. Hence, I am not inclined to enlarge the appellant on bail. Prayer for bail is refused.

The learned trial court is directed to expedite the trial.

Accordingly, the appeal stands disposed of.

(Birendra Kumar, J)

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