

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2162 of 2021

Arising Out of PS. Case No.-92 Year-2020 Thana- ALAMNAGAR District- Madhepura

Dhaneshwar Bhagat S/O Late Jagdish Bhagat R/o village- Alamnagar, Ward
No. 04, P.S.- Alamnagar, District- Madhepura

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Uday Chand Prasad, Advocate
For the Respondent/s : Mrs. Usha Kumari, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 01-10-2021 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, 1989 against the refusal of prayer for bail by the learned Additional Sessions Judge VI-Cum-Special Judge (POCSO Act), Madhepura, in connection with POCSO Case No.11 of 2020, arising out of Alamnagar Police Station Case No.92 of 2020, registered under Sections 341/342/376/506 of the Indian Penal Code, Section 4 of the POCSO Act and Section 3(1)(w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The victim, a minor girl, in her statement under Section 164 Cr.P.C. alleges that the appellant dragged her inside the room of his shop and ravished her.



Learned counsel for the appellant submits that there is delay in lodging of the FIR. The doctor has not found any recent sign of sexual intercourse. Though the doctor found hymen of the girl ruptured.

Since the victim cannot be disbelieved at this stage, I am not inclined to enlarge the appellant on bail. Hence, the prayer for bail is refused. The learned trial Court is directed to expedite the trial.

Accordingly, the appeal stands rejected.

(Birendra Kumar, J)

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