

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2121 of 2021

Arising Out of PS. Case No.-110 Year-2020 Thana- KASBA District- Purnia

MD. IRFAN Son of Md. Salim Resident of Village - Lahsuna, P.S.- Kasba,
District - Purnea. Appellant/s

Versus

The State of Bihar Respondent/s

Appearance :

For the Appellant/s : Mr.Awadhesh Kumar Mishra, APP
For the Respondent/s : Spl. PP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 05-07-2021 Heard learned counsel for the appellant and learned
Spl. PP for the State through video conferencing.

The instant appeal has been preferred by the appellant against the order dated 18.9.2020 passed by the learned Additional Sessions Judge VI-cum-Special Judge, POCSO Act, Purnia whereby the prayer for bail of the appellant in connection with Special Case no. 51 of 2020 arising out of Kasba P.S. Case no. 110 of 2020 registered under sections 376 and 506 of the Indian Penal Code, section 4 of the POCSO Act and sections 3(1)(r)(s), 3(2)(v)(a) and 3(2)(w) of the SC & ST(POA) Act, was rejected.

As per allegation in the FIR, it is stated by the informant that his 14 year old sister was raped by the petitioner. Thereafter they were threatened of dire consequences in case they disclosed the occurrence. On his reaching home, the matter



was reported to the police station.

It is submitted by learned counsel for the appellant that the allegations as levelled in the FIR are false and concocted. He has been falsely implicated in the case. No reasonable explanation has been given for the delay of three months in lodging of the FIR. The allegations are false and baseless. The medical report does not support the allegations. He is in custody since 24.8.2020 and has no criminal antecedent.

The appeal is opposed by learned Spl. PP appearing for the State

Having heard learned counsel for the parties and taking into consideration the direct allegation against the appellant of having committed rape on the minor sister of the informant which is supported by her statement under section 164 Cr. P.C, the Court is not inclined to enlarge the appellant on bail and the appeal is rejected.

The learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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