

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.2296 of 2021**

Arising Out of PS. Case No.-33 Year-2020 Thana- MAHILA PS District- Jehanabad

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Anurag Kumar @ Pancham Kumar, S/o Sadanand Singh under the guardianship of his father and natural guardian namely, Sadanand Singh, R/o Village-Diawan, P.S.- Koko, District Jehanabad

... .. Appellant

Versus

The State of Bihar

... .. Respondent

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Appearance :

For the Appellant/s	:	Ms. Namrata Mishra, Advocate Mr.Ratanakar Jha, Advocate
For the Respondent/s	:	Mr.S.A. Ahmad, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 18-08-2021 Heard Ms. Namrata Mishra, learned counsel for the appellant assisted by Mr. Ratnakar Jha, learned Advocate and Mr. S.A. Ahmad, learned A.P.P. for the State.

Appellant, in the present appeal, is seeking setting the order dated 03.03.2021 passed by learned Additional Sessions Judge - 1st – cum – Children Court, Jehanabad in Children Case No. 02 of 2021 (arising out of Jehanabad Mahila P.S. Case No. 33/2020) registered for the offence under Section 376 of the Indian Penal Code with Section 4/6 of Protection of Children from Sexual Offences Act.

Learned counsel for the appellant submits that in this case though the allegation is that the appellant has

committed rape on the victim girl but the medical examination report of the victim does not show any sign of rape on her.

Learned counsel further submits that keeping in view the spirit of Section 12 of the Juvenile Justice (Care & Protection of Children) Act, the appellant may be released on bail.

On the other hand, learned Special P.P. for the State has opposed the prayer for bail of the appellant. It is submitted that the victim girl in this case is six years old and the manner of occurrence as alleged in the first information report get support from the medical examination report which shows that hymen of the victim girl was ruptured. The doctors have though stated that no recent sign of sexual contact was found but at the same time they have also opined that the possibility of rape cannot be ruled out. Learned A.P.P., therefore, submits that it is one of those cases in which the appellant does not deserve the privilege of bail as his release would defeat the ends of justice.

Considering the facts and circumstances of the

case, the nature of the offence alleged and materials on the record as also the age of the victim girl, this Court is of the considered opinion that release of the appellant at this stage is likely to result in defeat to the ends of justice.

This appeal is, therefore, fit to be dismissed without interfering with the impugned order.

The appeal stands dismissed accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.