

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2554 of 2021

Arising Out of PS. Case No.-282 Year-2020 Thana- KONCH District- Gaya

VIKASH KUMAR Son of Uday Yadav Resident of Village - Dhanchhua,
P.S.- Konch, Distt.- Gaya, State - Bihar

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Shankar Kumar, Advocate
For the Respondent/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 24-06-2021 Heard learned counsel for the appellant and learned
Special P.P. for the State.

The present appeal has been filed for setting aside the order dated 17.12.2020 passed by learned Exclusive Special Judge, SC/ST Act, Gaya in Konch Police Station Case No. 282 of 2020 registered for the offence punishable under Section 376(D) of the Indian Penal Code, Sections 3(1)(w), 3(2)(r) of SC/ST (POA) Act whereby the prayer for bail of appellant was rejected.

As per the prosecution case, appellant and other accused persons committed rape on the informant.

It is submitted on behalf of appellant that the doctor in the medical examination has not found any sign of present sexual assault on the victim. There is no eye witness of the



occurrence. Appellant is in custody since 17.12.2020.

However, learned Special P.P. has opposed the appeal and submitted that specific allegation of committing rape on the petitioner which has been supported by the victim in her statement recorded u/s 164 Cr.P.C.

Considering the rival submissions of the parties, materials available on the record and the statement of the victim, 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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