

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2621 of 2021

Arising Out of PS. Case No.-1 Year-2019 Thana- MAHUA District- Vaishali

VIKASH KUMAR S/O SURENDRA SAHANI @ SUREBDRR SAHANI
R/o village- Chaksher Nijam, Chhatwara, P.S.- Mahua, District- Vaishali

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ranjeet Kumar, Advocate

For the Respondent/s : Mr. Binay Krishna, 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 16.10.2020 passed by the learned Exclusive Special Court POCSO, Vaishali at Hajipur whereby the prayer for bail of the appellant in connection with Mahua P.S. Case no. 1 of 2019 registered under section 376B of the Indian Penal Code, sections 3(1)(w) and 3(2)(v) of the SC & ST (POA) Act and sections 4, 6 and 10 of the POSCO Act, was rejected.

As per allegation in the FIR, the three accused persons including the appellant herein are stated to have committed rape on the minor informant.

It is submitted by learned counsel for the appellant that the allegations as levelled in the FIR are false and concocted. The appellant has been falsely implicated in the case. Further referring to the judgment of acquittal of FIR named co-



accused Dharmendra Kumar, it is submitted that from the deposition of the doctor and the informant in the said trial it would transpire that while the informant is given a completely different story in the trial, the doctor has not confirmed the finding of rape. There is inordinate delay in lodging of the FIR and the appellant is in custody since 7.9.2020.

The appeal is opposed by learned Spl. PP appearing for the State. He submits that for the FIR registered on 12.1.1019, the appellant herein continued to abscond and only after the acquittal of co-accused Dharmendra Kumar on 19.6.2020 that the appellant surrendered thereafter on 7.9.2020.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the direct allegation against the appellant of having committed rape on the minor informant, the Court is not inclined to enlarge the appellant on bail and the appeal is rejected.

Prakash/-

(Partha Sarthy, J)

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