

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2866 of 2021

Arising Out of PS. Case No.-282 Year-2020 Thana- PURNEA SADAR District- Purnia

Suraj Chauhan S/o Jeevan Chauhan @ Sivan Chauhan R/o village- Tira
Matiyari, P.S.- Muffasil, District- Purnea.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bhola Prasad

For the Respondent/s : Smt.Usha Kumari-I

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 23-08-2021 Heard learned counsel for the parties through video conferencing.

The present appeal has been filed against order dated 29.01.2021 passed by learned 6th Addl. Sessions Judge-cum-Special Judge (POCSO), Purnia in Special (POCSO) Case No. 47 of 2020, arising out of Sadar (Muffasil) P.S. Case No. 282 of 2020, registered for the offence punishable under Section 376(D) of the Indian Penal Code and Section 3(1)(w)(i) / 3 (2) (v) of SC/ST Act, whereby the prayer for bail of appellant has been rejected.

As per the prosecution case, this appellant alongwith co-accused is alleged to have committed rape with the minor daughter of the informant.

It is submitted on behalf of the appellant that appellant has been falsely implicated in this case and the



medical report does not support any commission of rape upon the victim. No offence under the SC/ST Act is made out against this appellant and F.I.R. has been lodged after much delay without there being any explanation. The appellant is in custody since 07.08.2020.

However, learned Special P.P. has opposed the appeal and submitted that this is a case of 'gang rape' and there is specific allegation against this appellant that he ravished the minor daughter of the informant. The victim, in her statement recorded under Section 164 Cr.P.C., has supported the prosecution case and the doctor has found the age of victim between 16-17 years and does not rule out the possibility of rape.

In view of aforesaid facts and circumstances, I do not find any ground to interfere with the order impugned, by which, the prayer for bail of appellant was rejected and as such, the appeal stands dismissed.

(Prabhat Kumar Singh, J.)

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