

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2845 of 2021

Arising Out of PS. Case No.-43 Year-2020 Thana- BIRUPUR SAHAYAK District-
Lakhisarai

Rocky Kumar, Son of Birju Ram, Resident of Village and P.S.- Birpur,
District- Lakhisarai.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Mukesh Kumar, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 27-07-2021 Heard learned counsel for the appellant and the
learned Special P.P. for the State.

The appellant has preferred the present appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of his prayer for regular bail, vide order dated 14.12.2020 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Lakhisarai, in connection with Birpur P.S. Case No.43 of 2020, corresponding to SC/ST No.72/2020, instituted for the offence under Sections 366(A)/34 of the I.P.C., Section 3(2)(va) of the SC/ST (Prevention of Atrocities) Act, and thereafter charge-sheet has been submitted under Sections 4/5, 4/6 of the POCSO Act and also for setting aside the aforesaid order dated



14.12.2020.

The prosecution case is that the informant's daughter has been found missing.

The submission of the appellant's counsel is that there is no allegation in the F.I.R. that any caste based insinuation or even abusive language has been used so as to attract the provisions of the SC/ST Act.

Mr. Binay Krishna, learned Special P.P. draws the attention of this Court towards the statement of the victim recorded under Section 164 Cr.P.C., taken note of in the order dated 17.03.2021 rejecting the appellant's prayer for bail. From perusal of the same it appears that the victim has stated about being taken away after being administered some intoxicant by the instant appellant and others. She has also stated that she is a minor and has been subjected to forcible rape 5-6 times while she was confined by the appellant and co-accused persons.

Considering the rival submissions and having regard to the gravity of the offence, this Court finds no reason to interfere with the order passed by the court below.

The prayer for bail is rejected, for the present. Consequently, the appeal is dismissed.

This Court would expect that the appellant's counsel



would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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