

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3237 of 2021

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

VIKKI KUMAR @ VIKASH KUMAR S/o Prakash Chauhan Resident of
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 : Mrs. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 23-11-2021 Heard learned counsel for the appellant and
learned Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 03.02.2021 passed by learned 6th Additional Sessions Judge cum Special Judge (POCSO), Purnia in connection with Sadar (Muffasil) P.S. Case No. 282/2020, corresponding to Special (POCSO) Case No.47/2020 registered under Sections 376D of the Indian Penal Code and Section 3(1) (w) (I), 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

While the daughter of informant had gone for taking grass and when she was returning, the appellant along with another co-accused is said to have committed rape against her.



It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case with malicious intention. There is an inordinate delay of three days in filing the F.I.R. without assigning any plausible explanation for the said delay. The allegation levelled against the appellant is not specific rather general and omnibus in nature. Appellant has no criminal antecedent and has been languishing in custody since 08.08.2020.

Learned Spl. PP for the State opposing the prayer for bail submitted that the victim in her statement made under Section 161 & 164 Cr.P.C. has supported the prosecution case in toto, hence he does not deserve bail.

In the facts and circumstances of the case, I am not inclined to enlarge the appellant on bail. The prayer for bail is hereby rejected.

Accordingly, this appeal is dismissed.

However, the learned Trial Court is directed to conclude the trial expeditiously.

(Anjani Kumar Sharan, J)

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