

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1803 of 2020

Arising Out of PS. Case No.-180 Year-2020 Thana- TEKARI District- Gaya

PURUSHOTTAM KUMAR @ PURSHOTTAM KUMAR Son of Basudeo Prasad Resident of Village- ARK Dhibariya, P.S.- Tekari, District- Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bachan Jee Ojha, Advocate
For the Respondent/s : Mr. Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 06-01-2021 Heard learned counsel for the appellant, learned Spl.P.P. for the State and learned counsel for the informant.

The instant appeal has been preferred against the order dated 15.6.2020 passed by the learned Special Judge, (POCSO Act), Gaya whereby the prayer for bail of the appellant in connection with POCSO Case No. 54 of 2020 arising out of Tekari P.S. Case No.180 of 2020 registered under sections 376, 323, 341, 342, 504 and 34 of the Indian Penal Code, section 4 of the POCSO Act and section 3(1)(r)(s) of the SC/ ST (Prevention of Atrocities) Act, was rejected.

As per allegation in the F.I.R., it is stated by the informant that on his daughter going to the river side, taking benefit of no person being there, the appellant forcibly



committed rape on her. On the daughter of the informant protesting, she was abused and beaten up.

It is submitted by learned counsel for the appellant that the allegations as levelled in the F.I.R. are false and concocted. The daughter of the informant is a major and was on friendly terms with the appellant. It is further submitted that one of the witnesses Misri Das whose statement has been recorded in course of investigation and who claims to be an eye witness does not state that he saw any wrong being committed. The co-accused Bipin Kumar has been enlarged on bail vide order dated 26.11.2020 passed in Cr. Appeal (SJ) no. 1760 of 2020. The appellant is in custody since 25.5.2020 and has no criminal antecedent.

The appeal is opposed by learned Spl.P.P. for the State as also learned counsel appearing for the informant. It is submitted by learned counsel for the informant that the appellant is named in the FIR and there is direct allegation against him of having committed rape on the minor daughter of the informant. The said allegation has been supported by the minor victim in her statement under section 164 Cr. P.C.

Having heard learned counsel for the parties and taking into consideration the direct allegation of rape of a minor



against this appellant, the Court is not inclined to allow the instant appeal and the same is rejected.

Learned Court below is directed to expedite the trial.

(Partha Sarthy, J)

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