

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3517 of 2021**

Arising Out of PS. Case No.-56 Year-2021 Thana- BARURAJ District- Muzaffarpur

Sajan Kumar Bhagat Son of Mahesh Bhagat Resident of Village - Kathauliya,
P.S. - Baruraj, District - Muzaffarpur.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Yugal Kishore

For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2. 07-09-2021 Heard learned counsel for the parties through video conferencing.

The present appeal has been filed against order dated 09.07.2021 passed by learned 7th Addl. Sessions Judge-cum-Special Judge (POCSO), Muzaffarpur in Baruraj P.S. Case No. 56 of 2021, registered for the offence punishable under Section 376 of the Indian Penal Code, Section 4 / 6 of the POCSO Act and Section 3(1)(w)(i)(ii) of SC & ST Act, whereby the prayer for bail of appellant has been rejected.

As per the prosecution case, this appellant is alleged to have committed rape on the minor daughter of the informant.

It is submitted on behalf of the appellant that appellant has been falsely implicated in this case. No such occurrence has taken place and mere on suspicion, this appellant



has been made accused. The manner of occurrence, as alleged in the F.I.R., is unbelievable and improbable. No offence under the SC / ST Act is made out against this appellant. The appellant is in custody since 05.04.2021.

However, learned Special P.P. has opposed the appeal and submitted that there is specific allegation against this appellant of committing sexual offence against the minor daughter of the informant, which has been supported by the victim and her mother in the statement recorded under Section 164 Cr.P.C.

Considering the nature and gravity of the offence, I do not find any ground to interfere with the order impugned, by which, the prayer for bail of appellant was rejected, and accordingly, the appeal stands dismissed.

(Prabhat Kumar Singh, J.)

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