

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.270 of 2021

Arising Out of PS. Case No.-68 Year-2020 Thana- MAHILA P.S. District- Kaimur (Bhabhua)

PANKAJ YADAV @ DAVLA @ DABLA S/o Radhakrishna Yadav @ Radha
Kishun Yadav R/o Village- Darauli, P.S.- Ramgarh, Distt- Kaimur at Bhabhua.
... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Santosh Kumar,Advocate
For the Respondent/s : Mr.Sadanand Paswan,Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 17-03-2021 Learned counsel for the appellant undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

Appellant, in the present case, is seeking setting aside of the order dated 12.10.2020 passed by learned Additional District and Sessions Judge-I cum Special Judge, Kaimur at Bhabhua in Bhabhua Mahila P.S. Case No. 68 of 2020 registered for the offences punishable under Sections 341, 323, 376, 328 of the Indian Penal Code and Section 3(2)(v) of SC/ST Act whereby and whereunder prayer for regular bail of the appellant has been rejected.

Learned counsel for the appellant submits that the appellant is alleged to have established physical relationship with the victim girl on a promise to marry her. Later on, on refusal of the informant, she was forcibly administered poison by the appellant.



Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. It is submitted that there is no allurement upon the informant by the appellant. The FIR has been lodged after two days of the alleged date of occurrence. The appellant is in custody since 19.09.2020.

Learned Special Public Prosecutor for the State has opposed the prayer for regular bail of the appellant.

Having regard to the facts and circumstances of the case, wherein on the alleged date of occurrence the victim girl was minor, there is specific allegation against this appellant that he had been establishing physical relationship with the victim girl on the pretext to marry her but later on when the victim girl refused to establish physical relationship, he forcibly fed her poison, in the nature of the materials available, this Court is not inclined to interfere with the impugned order.

The appeal is dismissed.

Let the trial be expedited.

The trial court is expected to proceed with the trial without granting longer dates. Prosecution shall also cooperate with the trial.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

