

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.704 of 2021**

Arising Out of PS. Case No.-233 Year-2020 Thana- BARACHATTI District- Gaya

SATISH KUMAR Son of Vijay Yadav @ Ranvijay Yadav Resident of Village
- Masoundha, P.S. - Mohanpur, District - Gaya.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

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

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

3 07-04-2021 Heard learned counsel for the appellant and learned Spl.
P.P. for the State respondent through video conferencing.

The instant appeal has been preferred against the order dated 25.8.2020 passed by the learned Exclusive Special Court (POCSO Act), Gaya in POCSO Case no. 51/2020 whereby the prayer for regular bail of the appellant in connection with Barachatti (Mohanpur) P.S. Case no. 233 of 2020 registered under sections 307, 354B and other sections of the Indian Penal Code, sections 8 and 12 of POCSO Act and 3(1)(r), (s) and (w) of the SC and ST (Prevention of Atrocities) Act, was rejected.

As per allegation in the first information report, the appellant along with other co-accused committed rape on the minor informant.

It is submitted by learned counsel for the appellant that the allegations as levelled in the first information report are false and concocted. The appellant has been falsely implicated in the case. No



independent witnesses have supported the allegation in course of the investigation. It is submitted by learned counsel for the appellant that the allegations levelled against the appellant are not under section 376 of the Indian Penal Code and so far as the appellant is concerned, for the allegations levelled against him, the sentences are either 3 years or less. Thus taking into consideration the period that he has remained in custody, the appeal be allowed and he be enlarged on bail. He is in custody since 3.5.2020, has no criminal antecedent and chargesheet has been submitted in the case.

The appeal is opposed by learned Spl. P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the direct allegation against the appellant of having committed rape on the minor informant which has been supported by the materials collected in course of investigation including the statement of the victim under section 164 Cr.P.C., the Court is not inclined to allow the instant appeal and the same is rejected.

(Partha Sarthy, J)

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