

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4146 of 2021

Arising Out of PS. Case No.-23 Year-2021 Thana- MAHILA P.S. District- Patna

SURAJ KUMAR Son of Munna Sav @ Ranjeet Sav Resident of Village -
Ramji Chak, Police station - Digha, District - Patna.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Virendra Kumar Ray
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 16-12-2021 Heard the parties.

Learned counsel for the appellant is directed to remove the defects as pointed out by the office, within four weeks. In the eventuality of non-removal of defects within stipulated period, the office will place the matter before the Bench.

This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 04.08.2021, passed by learned Additional Sessions Judge VI -cum- Special Judge, POCSO Act, Patna, in connection with Special (POCSO) Case No.23 of 2021, arising out of Mahila P.S. Case No.23/2021, registered under section 376 DA of the IPC and section 3(V) of the SC/ST (POA) Act.



Allegation against the appellant is that he along with other co-accused persons have committed rape upon the informant.

It is submitted by learned counsel for the appellant that no such occurrence as alleged has ever taken place. Appellant is quite innocent and has been falsely implicated in the case due to political rivalry. The FIR has been lodged after a delay of more than seventeen hours, without assigning any reason. The place of occurrence is said to be the residence of the appellant where his agnates also reside as it is a joint family property. It is further submitted that the medical report of the victim does not support the prosecution case and the age of the victim is about 18-19 years. The doctor has not found sign of any sexual assault on the victim. The appellant has one criminal antecedent, as mentioned in para-3 of the memo of appeal and has been languishing in custody since 23.02.2021.

Learned Spl. PP for the State opposed the prayer for bail by submitted that the victim has supported the prosecution case in her statement recorded u/s 164 Cr.P.C.

In the facts and circumstances of the case, I am not inclined to grant bail to the appellant. As such, the prayer for bail of the appellant named above is rejected.



The appeal stands dismissed.

However, learned trial court is directed to expedite the trial.

(Anjani Kumar Sharan, J)

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