

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2624 of 2022

Arising Out of PS. Case No.-300 Year-2021 Thana- KORHA District- Katihar

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Raju Singh @ Raju Kumar Son of Arjun Singh, Resident of Village -
Mavaiya, P.S.- Korha, District - Katihar.

... .. Appellant/s

Versus

1. The State of Bihar
2. Mahaveer Das Son of Mushharu Das, Resident of Village - Rampur, P.S.-
Korha, District - Katihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Bimal Kumar, Advocate

For the Respondent/s : Ms. Usha Kumari, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 30-11-2022

Let the defect(s), if any, be removed within two weeks
from today.

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

It transpires from the record that upon notice to
respondent No. 2 there is no appearance from respondent No. 2.
Learned Special Public Prosecutor has requested to defend the
stand of the informant.

The present appeal has been preferred under section
14(A)(2) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act, 1989 against the refusal of prayer
for bail vide order dated 19.07.2022 passed by A.D.J.-VIIth

-cum- Special Judge, POCSO, Katihar in G.R. No. 5497 of 2021 arising out of Korha P.S. Case No. 300 of 2021 for the alleged offence under sections 341, 323, 363, 366(A), 504 and 506/34 of the Indian Penal Code read with sections 3(i)(r)(s)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

As per prosecution, the informant has disclosed that her daughter went to obtain PAN card on 25.06.2021 but not returned, next day she called that Raju Singh and Vikash Singh have kidnapped her. Informant alleged that when he visited to the house of said accused persons then they abused him in the name of his caste and assaulted him by lahti and danda. Thereafter, the present case has been filed.

Learned counsel for the appellant submits that appellant is innocent and has committed no offence. He further submits that the said occurrence took place on 25.06.2021, whereas the present case has been filed on 01.07.2021 that is delay of about 7 days. Learned counsel further submits that from Annexure-2 it transpires that the daughter of the informant had solemnized marriage with one Tikesh Kumar Singh and residing with him happily. Learned counsel also submits that petitioner is innocent. Learned counsel further submits that the other co-

accused persons have been granted bail by the Co-ordinate Bench of this Court vide order dated 14.07.2022 passed in Cr. App. (SJ) No. 4732 of 2021. Learned counsel further submits that the appellant is in custody since 18.05.2022, charge sheet has already been filed in this case and appellant has one criminal antecedent in which he is on bail.

Upon specific query whether charge has been framed or not, learned counsel submits that as per his knowledge, charge has not framed.

Learned Special Public Prosecutor vehemently opposes the prayer for bail and submits that in the case diary statement of alleged victim under Section 164 of Cr.P.C. has been attached. He further submits that the specific allegation of rape and kidnapping is there against the present appellant and therefore, his bail may be rejected.

In the present facts and circumstances of the case and submission made above, I am not inclined to grant bail to the appellant and therefore, his bail application is hereby rejected at present but liberty is hereby granted to the appellant to renew his prayer for bail after 6 months of framing of charge.

Accordingly, the present Cr. Appeal (SJ) is hereby dismissed and the order dated 19.07.2022 passed in G.R. No.

5497 of 2021 arising out of Korha P.S. Case No. 300 of 2021 is
hereby affirmed.

(Dr. Anshuman, J.)

ravishankar/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	