

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3845 of 2021**

Arising Out of PS. Case No.-35 Year-2020 Thana- MAHILA P.S. District- Lakhisarai

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SUNIL KUMAR Son of Lalo Bhagat Resident of Village - Madanpur, P.S.-
Kajra, District - Lakhisarai.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Binay Kumar

For the Respondent/s : Mr.Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 05-01-2022 Heard learned counsel for the appellant and learned

Special Public Prosecutor for the State through virtual court

proceeding.

This is an appeal under section 14(A)(2) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act,
(hereinafter in short referred to as the 'SC/ST Act') against the
refusal of prayer for bail vide order dated 15.03.2021, passed by
learned Additional District and Sessions Judge-VI-cum-Special
Judge, Lakhisarai in connection with POCSO Case No. 29 of
2020 arising out of Mahila Thana P.S. Case No. 35 of 2020,
registered under Sections 376, 120B of the IPC, Section 4 of the
POCSO Act and Sections 3(i) (r) (S)/3(2)(va) of SC/ST Act but
charge-sheet has been submitted under Section 376(D), 120(B)
of the IPC and 4/6 of the POCSO Act and Section 3 (i)(r)(s)(w)
of the SC/ST Act.

Prosecution case is that on 27.11.2020, when



informant's daughter was in her house in the meantime, petitioner came to her house and raped her.

It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. He submits that there was love affair between the appellant and victim but family members of victim is not happy with this relation and due to pressure of her parents, victim came in support of her father. He submits that no case under SC/ST Act is made out against the appellant. He further submits that appellant has no criminal antecedent as stated in para-3 of this appeal and he is languishing in judicial custody since 28.11.2020.

Learned Spl. PP for the State opposes the prayer for bail and submits that there is specific overt act against the appellant.

Considering the facts and circumstances of the case, I am not inclined to enlarge the appellant on bail. Accordingly, his prayer for bail is rejected in connection with POCSO Case No. 29 of 2020 arising out of Mahila Thana P.S. Case No. 35 of 2020 pending before the court of the learned Additional District and Sessions Judge-VI-cum-Special Judge, Lakhisarai.

(Anjani Kumar Sharan, J)

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