

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4357 of 2021

Arising Out of PS. Case No.-100 Year-2021 Thana- PUNAURA District- Sitamarhi

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SAROJ RAI @ SAROJ KUMAR S/O SHANKAR RAY R/o village-
Talkhapur Dumra, Ward No. 15, P.S.- Punoura, District- Sitamarhi

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Sunil Prasad Singh
For the Respondent/s : Mr. Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 08-02-2022 Heard learned counsel for the appellant and learned

Special Public Prosecutor for the State through virtual Court

proceedings.

At the very outset, learned Special P.P. for the State
submits that he has complied the order dated 05.01.2022 passed
by this Court but there is no representation on behalf of the
informant.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter in short referred to as the
'SC/ST Act') against the refusal of prayer of anticipatory bail
vide order dated 25.08.2021 passed by learned Additional
Sessions Judge-VI-cum Special Judge (SC/ST Act), Sitamarhi in
connection with Punoura P.S. Case No. 100 of 2021 registered



under Sections 354D/34 of the Indian Penal Code, Section 8/12 of the POCSO Act and Section 3(1) (r) (w) (i) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

While the minor daughter of the informant had gone to attend the call of nature, the appellant along with two other co-accused is said to have tried to molest her.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case with ulterior motive. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is inordinate delay of eleven days in lodging the case without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case. Appellant has no criminal antecedent and has been languishing in custody since 19.06.2021.

Per contra, learned Special PP for the State vehemently opposing the prayer for bail submitted that victim is 12 years old and considering the nature of the offence, the appellant does not deserve bail.

In the facts and circumstances of the case, I am not inclined to enlarge the appellant on bail. The prayer for bail is



hereby rejected. However, the learned Trial Court is directed to expedite the trial.

Accordingly, this appeal is dismissed.

(Anjani Kumar Sharan, J)

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