

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2523 of 2022

Arising Out of PS. Case No.-41 Year-2022 Thana- MAKER District- Saran

VICKY KUMAR @ VICKU CHHOTAKA @ VICKU KUMAR @ VIKKU KUMAR @ VIKKY KUMAR @ BIKKU KUMAR Son of Lalan Mahto
Resident of Village - Purusottampur, P.s.- Maker, Distt.- Saran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rina Devi wife of Arun Das resident of village- Purusottampur, P.S.- Maker, Distt- Saran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sunil Kumar Singh
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 16-03-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 01.06.2022 passed by learned Additional Sessions Judge-VI-cum-Exclusive Special Judge (POCSO Act), Saran at Chapra in Maker P.S. Case No. 41 of 2022 whereby the prayer for bail of the appellant under Sections 376 of the Indian Penal Code, Section 4/6 of POCSO Act and section 3(1)(r)(w) and 3(2)(va) of SC/ST Act was rejected.

As per allegation in the FIR, appellant has committed rape upon the handicapped daughter of the informant as a result of which she became pregnant.

It is submitted by learned counsel for the appellant that



appellant has been falsely implicated in this case with a view to put pressure upon the appellant to perform marriage with the handicapped daughter of the informant. Victim is of unsound mind and at different occasions, she is giving contradictory statements about the alleged offence. POCSO Act is not made out against the appellant as victim girl is major as per Handicapped Medical Certificate. The appellant has no intention to disgrace the image of the informant. Appellant is languishing in judicial custody since 16.03.2022.

The application for bail is opposed by learned Spl. P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the fact that chargesheet has been under Section 376 of the Indian Penal Code, Section 4/6 of the POCSO Act and Section 3(1)(r)(w), 3(2)(v) of the SC/ST Act against the appellant. I do not find it appropriate to grant regular bail to the appellant and, as such, his prayer for regular bail is rejected.

The appeal stands disposed off.

The trial court is directed to expedite and conclude the trial as early as possible.

(Sunil Kumar Panwar, J)

sushma/-

U			
---	--	--	--

