

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3512 of 2022

Arising Out of PS. Case No.-230 Year-2022 Thana- BARUN District- Aurangabad

SONU KUMAR, SON OF AMBIKA SINGH R/O VILLAGE- SINDURIA,
P.S.- BARUN, DISTRICT- AURANGABAD

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. SUSHMITA RANI, D/O RAJA RAM PASWAN, R/O VILLAGE- BARI
KHURD, P.S.- BARUN, DISTRICT- AURANGABAD

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ansul, Advocate
For the State	:	Ms. Usha Kumari No.1, APP
For respondent no.2	:	Mr. Bachan Jee Ojha, Advocate
		Mr. Binod Kr. Pandey, Advocate
		Mr. Akhilesh Kr. Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 15-03-2023 Heard learned counsel for the appellant, learned APP
for the State and learned counsel for respondent no.2.

The instant criminal appeal has been filed under Section 14(A)(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the order dated 08.07.2022 passed by the learned Additional District & Sessions Judge-cum-Special Exclusive Special Judge (POCSO), Aurangabad in connection with Barun P.S. Case No. 230 of 2022, registered for the offences punishable under Sections 341, 323, 354-A, 504, 506 of the Indian Penal Code, Section 12 of the Protection of Children from Sexual Offences Act (POCSO



Act) and Section 3(2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act by which the appellant's prayer for bail was rejected.

The main submissions advanced by the learned counsel for the appellant are that the appellant has criminal antecedent of one case which was lodged in respect of different nature of the offence under Bihar Prohibition & Excise Act, the FIR itself goes to show that on the part of the appellant, there was no any intention to cause sexual harassment to the victim and sexual intent also does not appear on his part, hence the offence under POCSO Act, as added in the FIR, is not made out and against the appellant there is simple allegation of having misbehaved with the victim and in the alleged occurrence, the victim did not sustain any injury and there is no allegation of using caste name on her, hence the offences under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act are also not made out in this case and the appellant has been languishing in jail since 06.06.2022.

Learned counsel appearing for respondent no.2 has vehemently opposed the bail prayer of the appellant and submitted that on the alleged day and time of occurrence, the appellant forcibly tried to get the victim inside his tempo and on



her resistance, he escaped and after some time, he again came at the house of the victim and started abusing the family members of the informant which shows the bad intention as well as conduct of the appellant. Further submission is that the appellant's trial is at advance stage and all the prosecution's witnesses except the investigating officer have been examined.

Heard both the sides and perused the FIR as well as order impugned. As according to the submission made by learned counsel for respondent no.2, the trial of the appellant is at advance stage and only one prosecution witness is left to be examined, so at this stage, it will not be proper to enlarge the appellant on bail, hence I find the order impugned to be proper and there is no need to interfere with the same. Accordingly, the instant appeal stands rejected.

Appellant is given liberty to renew his bail prayer after three months before the trial court, if his trial is not concluded within the said period.

(Shailendra Singh, J)

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