

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4282 of 2022

Arising Out of PS. Case No.-241 Year-2022 Thana- JANDAHA District- Vaishali

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AVINASH KUMAR SON OF DHANPAT SINGH R/O VILLAGE-
MAHIPURA, P.S.- JAHDAHA, DISTRICT- VAISHALI

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 08-02-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

Learned Special Public Prosecutor for the State informs this Court that he has complied the order dated 04.01.2023 but nobody appeared on behalf of the respondent no.2.

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 15.11.2022 passed by learned Additional Sessions Judge-VI-Cum Special Judge, POCSO at Vaishali in connection with Jandaha P.S. Case No. 241/2022, registered under Sections 376, 498, 315, 363 and 366(A) of the Indian



Penal Code and Section 3(i)(w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The allegation against the appellant is that he has kidnapped the minor daughter of the informant.

It is submitted by learned counsel for the appellant that the appellant have no concern with the aforesaid occurrence. There is delay of about one year in filing of the present FIR and there is no any explanation for the delay in filing of the present FIR which creates serious doubt about the prosecution case. The victim girl is aged about 20-22 years as per doctor's opinion in the medical report. Appellant has got no criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State opposed the prayer for bail and submits that the appellant abuse the respondent no.2/informant by taking caste name.

In the facts and circumstances of the case, I am not inclined to enlarge the appellant on anticipatory bail in connection with Jandaha P.S. Case No. 241/2022. Accordingly, his appeal for anticipatory bail is hereby rejected.

(Anjani Kumar Sharan, J)

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