

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2204 of 2024

Arising Out of PS. Case No.-376 Year-2023 Thana- MANSI District- Khagaria

Abhay Kumar Son of Amod Kumar Singh Resident of Village - Chhoti Balha,
Ward No.- 04, P.S.- Mansi, District - Khagaria.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Lusiya Devi Wife of Arvind Kumar Resident of Village - Balha Jhamka,
P.S.- Mansi, District - Khagaria

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Binay Kumar
For the Resp. No. 2	:	Mr. Mritunjay Kumar
For the Respondent/s	:	Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 29-08-2024 Heard learned counsel for the appellant and learned counsel for the informant as well as learned Special Public Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the rejection of prayer for bail vide order dated 06.03.2024 passed by the learned Additional Sessions Judge VI-cum-Special Judge POCSO in connection with POCSO Case No. 05 of 2024 arising out of Mansi P.S. Case No. 376 of 2023 dated 05.12.2023 registered for the offence/s punishable u/ss 447, 376 of the Indian Penal Code, section 4 of the POCSO Act and section 3(i)(w)(ii), 3(2)(iv) of



the SC/ST Act.

3. As per the prosecution case, it is alleged that while she was sleeping with her minor daughter aged about 3 years, she came to know that her daughter was made disappeared at night about 12.30 AM. It is further alleged that the informant suspected that the appellant committed rape on her and threw her on the road.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to land dispute. Learned counsel has further submitted that there is no castiest remarks against the appellant hence no case is made out under SC/ST Act. There is no eyewitness to the alleged occurrence. There is nothing except suspicion. The appellant has no criminal antecedent as stated at para 3 of the bail petition. The appellant is in custody since 06.12.2023.

5. Learned counsel for the informant as well as learned Spl. P.P. for the State has vehemently opposed the anticipatory bail petition of the appellant and stated that there is direct allegation against the appellant. The medical report of the victim shows that mark of violence present over external and internal genitalia. Tear present in perineal region, swelling and tear present over vulva. Hymen rupture, bleeding from vagina.



Stool present in anal region. Blood present over anal region, both thigh and feet. Multiple tear over clitoris present. The victim in her statement recorded u/s 164 of the Cr.P.C. has supported the prosecution case.

6. Considering the aforesaid facts and circumstances of the case as well as the specific and heinous nature of allegation against the appellant, I am not inclined to set aside the impugned order dated 06.03.2024 passed by the learned Additional Sessions Judge VI-cum-Special Judge POCSO in connection with POCSO Case No. 05 of 2024 arising out of Mansi P.S. Case No. 376 of 2023 and accordingly, the prayer for bail of the appellant is rejected.

(Chandra Prakash Singh, J)

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