

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5288 of 2023

Arising Out of PS. Case No.-696 Year-2023 Thana- PURNEA SADAR District- Purnia

Kundan Roy @ Kundan Mishra @ Kundan Kumar Mishra Son of Sri Pappu Roy @ Pappu Misra R/O Village- Milanpara, Musahari Tola, Khuskibag, P.S.- Sadar, District- Purnea

... .. Appellant/s

Versus

1. The State Of Bihar
2. Punam Devi D/O Late Baijnath Rishi R/O Village- Milanpara, Musahari Tola, Khuskibag, P.S.- Sadar, District- Purnea

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Amit Kumar Anand, Advocate
For the Informant	:	Mr.Navin Kumar, Advocate
	:	Mr.Rabindra Nath Tiwari, Advocate
	:	Mr.Rakesh Kumar Jha, Advocate
For the State	:	Mr.Binay Krishna, SPP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

4 04-04-2024 Heard learned counsel for the appellant, learned Special Public Prosecutor for the State, learned counsel for the informant and perused the case diary.

2. The instant appeal has been filed by the appellant against the order dated 17.10.2023 passed by learned Special Judge, SC/ST Act, Purnea whereby the prayer for bail of the appellant in connection with Sadar P.S. Case No. 696 of 2023 under Sections 376 and 506 of the Indian Penal Code and Section 3(2)(va) of SC/ST Act was rejected.

3. The allegation made against the appellant is of



making physical relation with the victim on the pretext of marriage.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. He further submitted that the allegation levelled against the appellant is false and concocted. He again points out that only interested witnesses have been examined in this case. Learned counsel for the appellant further submits that the appellant has not taken the caste name of the informant in public view, hence, no offence under the provisions of SC/ST Act is made out against him. The appellant has no intention to disgrace the image of the informant in public view. Charge has been framed against the appellant. The appellant is in custody since 11.08.2023 and has no criminal antecedent.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant, stating that victim, in her statement recorded under Section 161 and 164 of the Cr.P.C., has corroborated the case of prosecution.

6. Learned counsel for the informant has filed counter affidavit in this case and has annexed Medical Report of the victim which testifies the pregnancy of the victim lady. In para-6



thereof, he has also stated that the DNA test also proves that the child in the womb of the victim lady is of the appellant.

7. Considering the aforesaid facts and circumstances of the case and the submissions made on behalf of the parties and the fact that there is specific and direct allegation against the appellant supported by medical evidence, this Court is not inclined to allow this appeal for the present.

8. Accordingly, the appeal stands dismissed.

9. The learned trial Court is directed to expedite the trial and conclude the same expeditiously.

10. The District Magistrate, Punea and the Superintendent of Police, Punea are also directed to produce the witnesses as and when required by the learned trial Court.

11. Let a copy of this order be sent to the District Magistrate, Punea and the Superintendent of Police, Punea for strict compliance of this order.

(Rudra Prakash Mishra, J)

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