

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.155 of 2024

Arising Out of PS. Case No.-450 Year-2023 Thana- SHERGHATI District- Gaya

Amresh Kumar, aged about 25 years (Male), son of Ramchand Yadav @
Ramchan Yadav, resident of village- Samda Tola Kajichak, Ranichak, P.S.
Sherghaty, District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Anu Kumari, daughter of Balchand Das, resident of village-Ranichak, P.S.
Sherghaty, District-Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shivendra Prasad, Advocate
For the Respondent/s : Mr. Binay Krishna, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

4 26-04-2024 Heard learned counsel for the appellant and learned
APP for the State.

2. The appellant is in custody in a case registered for
the offence punishable under Section 376(ii) of the Indian Penal
Code and Sections 4, 8 and 12 of the POCSO Act and Section
3(i)(c)(r)(s) 3 (2)(va) of the Scheduled Cast & Scheduled Tribes
(Prevention of Atrocities) Act.

3. As per allegation in the FIR, when the informant
went for sleep in her room and then villager Amresh
Kumar(appellant) entered into her room and touch her breast
and later on turn out her cloth and raped her when some persons
gather and catch hold and assaulted the appellant.



4. Learned counsel for the appellant submits that appellant has falsely been implicated in this case. Appellant is in custody since 06.05.2023.

5. Learned APP for the State opposes the prayer for bail of the appellant.

6. On perusal of the first information report, case diary, statement under Sections 164 of the Cr.P.C. and 161 of the Cr.P.C. and impugned order dated 24.11.2023, it appears that the victim in her statement under section 161 and 164 of the Cr.P.C. has stated that specific allegation for committing rape against the petitioner and the victim is a poor lady and witnesses have supported the case of the prosecution. The petitioner has been apprehended from the spot, considering which, I am not inclined to grant bail to the petitioner.

7. Prayer for bail of the appellant is hereby rejected.

8. The trial Court is directed to conclude the trial preferably within a period of one year.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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