

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (DB) No.324 of 2023**

Arising Out of PS. Case No.-284 Year-2018 Thana- BEGUSARAI MUFFASIL District-  
Begusarai

=====  
Ranjay Singh S/O Late Bogo Singh, Resident of Jagdishpur Tarbana, P.S-  
Muffasil (Lakho) O.P, Distt.- Begusarai (Bihar).

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

=====  
**Appearance :**

For the Appellant/s : Mr. Mayank Mani, Advocate

For the Respondent/s : Mr. Abhimanyu Sharma, APP

=====  
**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR  
and  
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY  
ORAL ORDER**

**(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)**

4     07-11-2023                     We have heard Mr. Mayank Mani, the learned  
  
Advocate for the appellant and Mr. Abhimanyu Sharma,  
  
the learned APP for the State.

2. The written objection on behalf of the State  
  
is on record.

3. The appellant has been convicted and  
  
sentenced *vide* judgment and order dated  
  
02.02.2023/06.02.2023, holding him guilty under  
  
Section 376(3) of the Indian Penal Code and Sections



5(j)(ii)/6 of the POCSO Act, 2012, passed by the learned Exclusive Special Court (POCSO Act)-cum-6<sup>th</sup> Additional District and Sessions Judge, Begusarai, in POCSO Case No. 73 of 2018, arising out of Muffasil (Lakho O.P.) P.S. Case No. 284 of 2018 and sentencing him to undergo rigorous imprisonment for twenty years, to pay a fine of Rs. 50,000/- and in default of payment of fine, to further suffer simple imprisonment for six months under Sections 5(j)(ii)/6 of the POCSO Act.

4. Appellant is alleged to have sexually assaulted the victim and also of impregnating her. Later she was offered an abortifacient tablet which did not help. The parents of the victim took her to a Doctor who disclosed that the victim was pregnant and, therefore, was having pain in her stomach. Later, the pregnancy was terminated. The Medical Board confirmed the fact that there was only a recent termination of pregnancy of the victim. During the trial, the victim has alleged the act against the appellant.



5. The learned counsel for the appellant, however, has submitted that a bare look at the statement under Section 164 of Cr.P.C. of the victim would make it very clear that her statement at the trial, later, is only after tutoring. He further submits that there is some dispute in the family, and therefore, instead of the person who had sexual intercourse with the victim, the appellant who is about 52 years of age, has been made the scapegoat.

6. Unfortunately, it has been urged, the main person who was responsible for the pregnancy of the victim, has been acquitted. Incidentally, he is a person of much younger age.

7. Be that as it may, regard being had to the nature of accusation against the appellant and the corresponding evidence against him, we are not inclined to suspend his sentence for the present.

8. The prayer for suspension of sentence is rejected.



9. However, looking at the background facts and the mandate of Section 374(4) of the Code of Criminal Procedure, we direct the Registry to prepare the paper book and get the matter listed for final hearing in the last week of January, 2024, commencing from 29<sup>th</sup> of January, 2024.

**(Ashutosh Kumar, J)**

**(Alok Kumar Pandey, J)**

Sauravkrsinha/  
krishna-

U		T	
---	--	---	--

