

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.24366 of 2015

Arising out of PS.Case No. -5 Year- 2015 Thana -MAHILA PS District- AURANGABAD

Pankaj @ Gunga, S/o Doman Yadav, resident of Village- Fateha, P.S.- Feshar, District- Aurangabad.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Krishna Pd. Singh, Sr. Advocate.

For the Opposite Party : Mr. Abhay Kr. Roy(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 12-08-2015 The petitioner is languishing in custody since 19.02.2015 in connection with G.R. No. 09 of 2015, arising out of Mahila P.S. Case No. 05 of 2015 for the offences instituted under Sections 376, 341, 120(B) of the I.P.C. and 4 of the POCSO Act.

Heard learned counsel for the petitioner and learned counsel for the State.

The prosecution story, in brief, is that on 13.02.2015 at about 9.00 A.M., while the informant-victim Neha Kumari was going to School, 2-3 boys passed derogatory remarks against her. They had been teasing her for last 15-20 days. When the victim, a student of Class-VIII, reported the matter to the Headmaster of the School, he advised her to call her guardian and then he will entertain the matter. As soon as, she stepped out to go her home,

Chandan , Pankaj @ Gunga and Arjun @ Vikash got her sit on motorcycle forcibly and then they took her to Bhaskar Bhawan, Katharua. There, Pankaj @ Gunga established physical contact with her. When she was trying to flee away, she was pulled back due to which she fell down and sustained hurt in her occipital back side of head. She further states that the friends of her brother had seen the accused persons carrying her.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 19.02.2015 and the charge sheet has been submitted in the present case. It is further submitted that the petitioner has got no criminal antecedent. It is further submitted that the petitioner has been made accused in the present case due to mistake of fact.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R. and there is direct allegation against him for committing rape upon the informant.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in G.R. No. 09 of 2015, arising out of Mahila P.S. Case No. 05 of 2015, pending in the court of the learned Additional Sessions Judge-Ist-cum-Special Judge, Aurangabad. Anyhow, the trial court is directed to take all necessary steps to expedite the trial of

the present case and conclude the same preferably within a period of one year from the date of receipt/production of copy of this order.

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(Sudhir Singh, J)

