

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.31677 of 2015

Arising out of PS.Case No. -13 Year- 2015 Thana -MAHILA PS District- KATIHAR

Bal Krishna Uron, S/o Late Bhola Uron, resident of Village Rampur, Police Station Muffasil (Chandrama Chowk), District Katihar.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Ashok Kumar Singh, Advocate.

For the Opposite Party : Mr. Nand Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 29-10-2015 Heard learned counsel for the petitioner and learned counsel for the State

The petitioner is languishing in custody since 12.03.2015 in connection with Katihar Mahila P.S. Case No. 13 of 2015 (G.R. No. 614/2015) for the offences instituted under Section 4 of the Protection of Children from Sexual Offence Act, 2012.

The prosecution story, in brief, is that the victim-cum-informant, namely, Poonam Kumari, aged about 14 years, daughter of Bhola Uron, resident of Village-Chandwa, P.S. Rautara, District-Katihar, has given the fardbeyan on 12.03.2015 before the Mahila P.S. in which she has stated that on 11.03.2015 her relation uncle, namely, Bal Krishna Uron, resident of Rampur, P.S. Muffasil(Chandrama Chawk), District-Katihar, brought to her



in his house for visiting the marriage ceremony about 8 o'clock night when she was returning alone in her uncle's house then her uncle was also followed behind her and he started conversation with her and taken away towards at the side of *Pokhar*, in the maize field and forcibly committed rape. When she protested of the same he did not listen then she pinched his mouth and threw sand on his face and she fled away in another village and she has halted at night at there. Then next day morning she came at Sahayak P.S. and the accused also followed her and came at Sahayak P.S. Then the police arrested to them.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. The petitioner is in custody since 12.03.2015. The petitioner has falsely been implicated in the present case. There is no substantive evidence against the petitioner. In course of trial, the witnesses have not supported the prosecution case.

On behalf of the State it has been submitted that the trial is already in progress.

Vide order dated 19.08.2015, a report was called for from the trial court regarding the stage of the case. The same is at Flag-A. As per the report submitted by the trial court, six prosecution witnesses have already been examined. The victim, victim's

father, I.O. and Medical Officer are only witnesses to be examined in the case. As per the report, the trial may be concluded preferably within a period of six months.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in Katihar Mahila P.S. Case No. 13/2015, (G.R. No. 614/2015), pending in the court of the learned Special Judge, Katihar. Anyhow, the Trial Court is directed to ensure that trial is concluded preferably within a period of six months from the date of receipt/production of copy of this order.

The District Magistrate, Katihar, is also directed to ensure that the remaining four witnesses in the case are produced in the court so that the trial may be concluded within the stipulated period.

Let a copy of this order be sent to the District Magistrate, Katihar.

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(Sudhir Singh, J)