

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11945 of 2015

Arising Out of PS.Case No. -40 Year- 2015 Thana -MANIGACHI District- DARBHANGA

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Biran Kamti @ Biran Kamtio, Son of Late Bhola Kamti, Resident of
Village- Vadhant, P.S.- Manigachi, District- Darbhanga.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.A.K.Thakur

Mr. Ravi Ranjan

For the Opposite Party/s : Mr. Binod Kumar-3, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 27-05-2015 Heard the parties.

The petitioner seeks bail in a criminal prosecution registered under Section 376 of the Indian Penal Code as also under Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 (in short “POCSO Act”).

Learned counsel appearing on behalf of the petitioner submits that, on close of investigation, the charge-sheet was not submitted under Section 376 of the Indian Penal Code, rather under Section 376/511 of the Indian Penal Code and Under Section 8 and 12 of the POCSO Act. It is further submitted that the petitioner is in judicial custody since 01.02.2015.

Learned Addl.P.P. appearing on behalf of the State, by referring to the statements of the victim recorded under Section 161 as also 164 Cr.P.C., submits that she has supported the prosecution version about the commission of crime of rape.

Taking into consideration the fact that the victim is a minor girl aged about 7 years and the petitioner is the sole accused

alleged to have committed the crime in question, this Court is not inclined to accede to the prayer made on behalf of the petitioner for grant of bail. Accordingly, his prayer for bail in connection with Manigachi P.S. Case No.40 of 2015 pending in the court of learned 1st Additional Sessions Judge-cum-Special Judge (POCSO Act), Darbhanga is rejected for the present.

The learned Special Judge (POSCO Act) is hereby directed to expedite the trial of the petitioner and all endeavours shall be made to conclude the same at an early date preferably within a period of one year from the date of receipt/production of a copy of the present order. However, if the trial of the petitioner is not concluded within the aforesaid period of one year, without there being any fault on the part of the petitioner, then he shall be at liberty to renew his prayer for bail.

(Birendra Prasad Verma, J)

Arvind/-

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