

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.49168 of 2015**

Arising Out of PS.Case No. -106 Year- 2014 Thana -GOPALPUR District-  
WESTCHAMPARAN(BETTIAH)

=====

Timal Das son of Gena Das @ Badhu Das, resident of Village- Bada  
Gopalpur, P.S. Gopalpur, District- West Champaran.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Shyam Bihari Singh(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN  
SHARMA**

**ORAL ORDER**

3      01-02-2016                      Heard the learned counsel for the petitioner as well as  
the learned A.P.P for the State.

The petitioner seeks bail in a case for the offence punishable under section 376 of the I.P.C and section 4/6 of protection of Children from Sexual Offences Act, 2012.

Allegedly, the petitioner committed rape with Sabitri Kumari aged eight years, the grand daughter of the informant.

Submission is of false implication and that the doctor has not found any sign of rape and hymen of the victim was found intact, there was no external injury, no independent witness has been examined in this case and the petitioner is suffering in custody since 18.12.2014, the petitioner is mentally retarded person and as such he deserves sympathetic consideration.

The learned A.P.P. opposes prayer for bail by submitting that lacerated wound about ½” long muscle deep on right vaginal wall was found intact by the doctor and the victim has also supported the allegation in her statement recorded under section 164 Cr.P.C.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner, heinous in nature, this Court is not inclined to enlarge the petitioner on bail and accordingly his such prayer stands rejected in connection with Gopalpur P.S. Case No. 106 of 2014 pending in the court of 1<sup>st</sup> Additional District & Sessions Judge- Cum- Special Judge, West Champaran at Bettiah.

However, the trial court is directed to conclude the trial as per amended proviso of section 309 Cr.P.C.

**(Jitendra Mohan Sharma, J)**

Abhay/-

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