

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48230 of 2015

Arising Out of PS.Case No. -213 Year- 2015 Thana -KAHALGAON District- BHAGALPUR

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1. Bihari Tanti @ Panchu Tanti Son of Hagu Tanti, Resident of village-
Nadma, P.s.- Kahalgaon, District- Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh

For the Opposite Party/s : Mr. Ram Shankar Das (Spl.Pp)

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

3 19-01-2016 Heard the learned counsel for the petitioner as well as

the learned A.P.P.

The petitioner seeks bail in a case for the offences
punishable under sections 376 and 34 of the I.P.C, section 3 (i) (x)
(xi) (xii) of the SC/ST Act and section 4 of POCSO Act.

Allegedly, Anjali Kumari, four years aged daughter of
the informant, was sexually assaulted by the petitioner after
opening her paint.

Submission is of false implication due to land dispute,
the petitioner is aged about 60 years, the medical report does not
support the prosecution version as no injury has been found on the
person of the victim and the statement of the victim recorded
under section 164 Cr. P.C. is also contradictory and as such the

petitioner deserves sympathetic consideration, to which the learned A.P.P. opposes by submitting that the victim has 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 Kahalgaon P.S. Case No. 213 of 2015/ G.R. No. 1990 of 2015 pending in the court of the 1st Additional Sessions Judge-Cum-Special Judge, Bhagalpur.

However, considering detention of the petitioner, the learned Special Judge is directed to expedite the trial and to conclude the same in accordance with law and also as per amended proviso of section 309 Cr.P.C.

(Jitendra Mohan Sharma, J)

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