

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52040 of 2015

Arising Out of PS.Case No. -61 Year- 2015 Thana -KASHICHAK District- NAWADA

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1. Raushan Kumar, Son of Anil Ram, Resident of Village: Bauri, P.S: Kashichak, District: Nawada.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Devendra Prasad Singh

For the Opposite Party/s : Mr. Gopesh Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 11-01-2016 Heard learned counsel for the petitioner and learned counsel representing the State.

Allegedly, the petitioner committed penetrating sexual assault with eight years old minor daughter of the informant and during investigation the victim has also supported the allegation in her statement before Police as well as in statement recorded under Section 164 Cr.P.C.

Submission is of false implication and that as the father of the victim has taken loan from the petitioner and as such to grab the amount this case has been lodged, medical evidence does not support the prosecution version, the petitioner has voluntarily surrendered on 03.08.2015 and since then he is in custody and as such he deserves sympathetic consideration to which the learned APP opposes.

In the facts and circumstances stated above, considering that the victim has supported the allegation in her statement given before the Police as well as under Section 164 Cr.P.C. regarding penetrating sexual assault committed by the petitioner, this Court is not inclined to enlarge the petitioner on bail, accordingly, his such prayer stands rejected.

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

(Jitendra Mohan Sharma, J)

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