

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.46350 of 2016**

Arising Out of PS.Case No. -305 Year- 2016 Thana -PATORI District- SAMASTIPUR

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Pawan Kumar Bhagaat @ Pawan Kumar S/o Surendra Bhagar, R/o  
Dharmapur (Dakhili), P.S.- Tajpur (Halayi), District- Samastipur.

.... .... Petitioner/s

Versus

1. The State of Bihar

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

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**Appearance :**

For the Petitioner/s : Mr. Brajesh Kumar, Advocate

For the Opposite Party/s : Mr. Bharat Lal, APP

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**  
**ORAL ORDER**

3      20-12-2016                      Heard learned counsel for the petitioner and  
  
learned APP for the State.

Petitioner is languishing in custody in connection  
with Patori P.S. Case No. 305 of 2016 for the offences punishable  
under Sections 341/323/376/511/354/34 of the Indian Penal Code.

Allegation against the petitioner and others is that  
they intercepted Rani Kumari @ Arohi Malakar while she was  
returning from her school and took her near a tree and attempted  
to commit rape with her. The victim girl has supported the  
aforesaid allegation before the police.

Submission of the petitioner is that petitioner is  
in custody since 31.07.2016. Delay in lodging of the case has  
wrongly been explained that since the victim was unconscious the



F.I.R. could not be lodged; whereas father of the victim has stated before the police that on the date of occurrence itself the victim disclosed about the occurrence. He further submits that due to frivolous dispute the present false case has been lodged.

Considering the statement of the victim girl, I am not inclined to enlarge the petitioner on bail for the present. Hence, the bail prayer of the petitioner is refused. The Court-below is directed to expedite the trial. If the trial is not concluded within nine months from the date of receipt of a copy of this order, the petitioner may renew the prayer for bail.

**(Birendra Kumar, J)**

Mkr./-

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