

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11246 of 2016

Arising Out of PS.Case No. -198 Year- 2015 Thana -SIKARPUR District-
WESTCHAMPARAN(BETTIAH)

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1. SHEIKH NEYAZ @ NANAKUA son of Sheikh Farid,
2. SHEIKH SADDAM son of Sheikh Sattar, Both residents of village-
Purab Tola, Rakhahi, P.S.- Shikarpur, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

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

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

ORAL ORDER

4 09-05-2016

Heard learned counsel for the petitioners and learned

A.P.P. representing the State.

The petitioners seek bail in connection with Shikarpur
P.S. Case No. 198 of 2015 registered for the offences punishable
under Section 376/34 of the Indian Penal Code and Sections 4, 8
and 12 of the POCSO Act.

Allegedly, petitioners and three un-known committed
gang rape with the informant, resulting she became unconscious
and in the morning her mother searched her and brought her to the
house. During investigation, the statement of the victim girl has
also been recorded under Section 164 Cr.P.C. wherein, she has
also named the two petitioners.

Submission is of false implication and that medical evidence does not support the prosecution version, no injury was found on the person of the victim, no sign of rape was found and, as such, the petitioners who are suffering in custody since 14.12.2015 deserve sympathetic consideration to which the learned A.P.P. seriously opposes.

In the facts and circumstances stated above, considering that the victim-informant has supported the allegation in her statement recorded under Section 164 Cr.P.C. and has named the two petitioners and, as such, I am not inclined to enlarge the petitioners on bail and accordingly, their such prayer stands rejected in connection with Shikarpur P.S. Case No. 198 of 2015 pending in the court of learned 1st Additional Sessions Judge-cum-Special Judge, under POCSO Act, West Champaran, Bettiah.

However, let the trial be expedited and concluded, as per amended proviso of Section 309 Cr.P.C..

(Jitendra Mohan Sharma, J)

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