

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1028 of 2016

Arising Out of PS.Case No. -27 Year- 2016 Thana -DIGHALBANK District- KISANGANJ

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Badruddin, Son of Arsad Ali, Resident of Bairbanna, Police Station-Dighalbank in the district of Kishanganj.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Vijay Kumar, Advocate

For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 28-11-2016

The appellant is in custody since 18.04.2016. He is an accused in Dighalbank P.S. Case No. 27 of 2016 registered for the offences punishable under Sections 376, 354(A) and 354(B) of the Indian Penal Code and Section 3 (1)(xi), 3 (1) (xii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act and Section 18 of the Protection of Children from Sexual Offences Act, 2012. He is aggrieved by an order dated 28.09.2016 passed by learned Additional District and Sessions Judge-Ist-cum-Special Judge SC/ST, POCSO, Kishanganj in Special Case No. 03 of 2016 arising out of Dighalbank P.S. Case No. 27 of 2016 whereby his application for grant of regular bail has been rejected.

Learned counsel for the appellant has submitted that allegation made in the First Information Report stands falsified by

the medical report which has been brought on record by way of Annexure-3 to this appeal.

On perusal of the First Information Report, I find that there is specific allegation against the appellant of commission of rape on the informant. It cannot be said that the medical report belies the allegation made in the First Information Report. Further, there is allegation in the First Information Report that the appellant has attempted to commit rape on the same day on another girl whose statement has also been recorded under Section 164 of the Cr.P.C. Learned counsel for the appellant has attempted to convince me that since none of the statements made under Section 164 of the Cr. P.C., name of the present appellant figures, he should be given the privilege of regular bail.

However, considering the gravity of the offence alleged against the appellant, I do not find any illegality in the order passed by learned Additional Sessions Judge-Ist, Kishanganj refusing to allow him regular bail.

This appeal is accordingly dismissed.

Considering the fact that the appellant is in custody since 18.04.2016, it is directed that trial of the case must be expedited and concluded preferably within a period of six months from the date of communication of the order. It is also observed

that all concerned shall make necessary endeavour in completion
of the trial within the aforesaid period of six months.

(Chakradhari Sharan Singh, J)

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