

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3444 of 2016

Arising Out of PS.Case No. -270 Year- 2015 Thana -JOGAPATTI District-
WESTCHAMPARAN(BETTIAH)

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1. Maulana Dr. Khurshid Alam Bharti @ Md. Khurshid Alam @ Maulana
Dr. Khurshid Bharti son of Md. Yasim, resident of Semari Bhawanipur,
P.S.- Yogapatti (Nawalpur), District- West Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Bansh Dubey, Advocate
For the Opposite Party/s : Mr. Renuka Ratnakar(App)

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

3 16-03-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Yogapatti
(Nawalpur) P.S. Case No. 270 of 2015 registered for the offences
punishable under Section 376 of the Indian Penal Code and
Section 6 of the POCSO Act.

Allegedly, the petitioner started treating the minor
daughter of the informant and further developed intimacy during
treatment and one day, after giving a glass of water and some
medicine, he committed rape with the daughter of the informant
which is evident from the statement of the victim girl recorded
under Section 164 Cr.P.C. and the petitioner proposed to marry
with her.

Submission is of false implication and that the conduct of the informant and the victim girl appears not reliable, the medical report does not support the accusation of rape and further the First Information Report has been lodged after inordinate delay and the informant only with a view to take illegal gain, has lodged this case.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer of bail by submitting that during medical examination the victim girl has been found minor, aged 15-16 years and she has supported the accusation of rape.

In the facts and circumstances stated above, considering the allegation attributed against the petitioner, which finds support in the statement of victim girl, recorded under Section 164 Cr.P.C. and, as such, this Court is not inclined to enlarge the petitioner on bail and accordingly, his such prayer stands rejected.

However, the trial court is directed to expedite the trial and conclude the same as early as possible preferably within two months in view of amended proviso of Section 309 Cr.P.C..

(Jitendra Mohan Sharma, J)

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