

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11277 of 2016

Arising Out of PS.Case No. -207 Year- 2014 Thana -AURAI District- MUZAFFARPUR

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1. Suman Shahi Son of Shambhu Shahi Resident of village - Shahi Bhalura,
P.S. Aurai, District - Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nachiketa Jha

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

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

3 29-04-2016 Heard the learned counsel for the petitioner as well as
the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences
punishable under sections 376/34, 365 and 376 (2) (D) of the I.P.C
and section 4 and 6 of the POCSO Act.

Allegedly, the petitioner and co-accused Md. Danish
after pressing the mouth of the informant brought her in the Lichi
orchard and committed rape with her and further tied her with
Lichi plant and again brought her at a place where they kept for
whole night and whole day and thereafter she was released on
20.09.2014 in the evening and as father was not at the house so the
case was lodged on 26.09.2014.

Submission is of false implication and that due to the

political rivalry the petitioner and others have been implicated in this case, the victim in her statement recorded under section 164 of the Cr.P.C. named Md. Kamre Alam also but Md. Kamre Alam has been allowed pre-arrest bail vide Cr. Misc. No. 50899 of 2014, there is vital contradiction in the statement of the informant and as such the petitioner deserves sympathetic consideration, as the medical evidence also does not support the allegation of rape.

The learned A.P.P. opposes prayer for bail by submitting that the petitioner is named in the First Information Report and during investigation also the allegation has been substantiated and further the victim girl is minor one.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner, I am not inclined to enlarge the petitioner on bail and accordingly his such prayer stands rejected in connection with Tr. No. 03 of 2015 arising out of Aurai P.S. Case No. 207 of 2014 pending in the court of 1st Additional Sessions Judge- Cum- Special Judge, POCSO, Muzaffarpur.

However, considering detention of the petitioner, let the trial be expedited and concluded as per the amended proviso of section 309 of the Cr.P.C.

However, it is made clear that if the trial is not

concluded within a period of three months from the date of receipt/production of a copy of this order then the petitioner will be at liberty to renew his prayer for bail.

(Jitendra Mohan Sharma, J)

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