

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21921 of 2016

Arising Out of PS.Case No. -148 Year- 2015 Thana -MAGADH MEDICAL COLLEGE District-
GAYA

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1. Neeraj Kumar @ Baru son of Sitaram Yadav, Resident of Belthu Tola,
Gulriya Chak, P.S. Magadh Medical District Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Leelawati Kumari

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

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

ORAL ORDER

3 11-07-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Magadh
Medical P.S. Case No. 148 of 2015 registered for the offence
punishable under Section 376 of the Indian Penal Code.

Allegedly, the petitioner at the point of pistol brought
the minor informant inside his old house and committed rape with
her several times in the night on 1.11.2015. Family and villagers
told for Panchayati but petitioner and his family was not ready and
thereafter, the First Information Report was lodged on 04.11.2015.

Submission is of false implication and that due to
village politics the petitioner has been implicated, in the statement

recorded under Section 164 Cr.P.C., the informant has given different version, during medical examination no sign and symptoms of present and past intercourse was found and her age was found between 17-18 years and, as such, no offence under POCSO Act is made out, the petitioner is suffering in custody since 23.11.2015 and has been sufficiently penalized to which the learned A.P.P. seriously opposes.

In the facts and circumstances stated above, considering that the informant in her statement recorded under Section 164 Cr.P.C. has supported the allegation of rape against the petitioner and, as such, I am not inclined to enlarge the petitioner on bail and accordingly, his such prayer stands rejected in connection with Magadh Medical P.S. Case No. 148 of 2015 pending in the Court of learned ADJ-cum-Special Judge (POCSO Act), Gaya.

However, the trial court is directed to expedite the trial and conclude the same as per amended proviso of Section 309 Cr.P.C.

(Jitendra Mohan Sharma, J)

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