

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23965 of 2017

Arising Out of PS.Case No. -92 Year- 2016 Thana -NAWAKOTHI District- BEGUSARAI

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1. Gopal Paswan Son of Bhuttu Paswan, Resident of Village- Isffa, Sisauni Kothi, P.S.- Naokothi, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam

For the Opposite Party/s : Mr. Sri Uday Pratap Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 07-07-2017 The petitioner seeks regular bail in connection with Naokothi P.S. Case No. 92 of 2016, registered for offences punishable under Section 376 of the Indian Penal Code and Section 4 of POCSO Act.

Allegation against the petitioner is of committing rape on the informant/prosecutrix.

It has been submitted on behalf of the petitioner that no offence as alleged has ever taken place and he has falsely been implicated in this case and there is also an unexplained delay of one day in lodging the F.I.R.. Further there is contradiction between the written report and in the statement of the girl recorded under Section 164 Cr.P.C. It has also been submitted that there is no eye-witness of the case and further the doctor did not find any



external or internal in jury on the person of the victim girl, however, he has opined that sign of rape is found. Petitioner has been in judicial custody since 24.11.2016.

Learned counsel for the State opposed the prayer for bail and submitted that there is direct allegation of committing rape against the petitioner, which is corroborated by the statement of the girl recorded under Section 164 Cr.P.C.

Having heard both sides, considering the facts and circumstances of the case and the nature of allegation, I am not inclined to release the petitioner on bail, his application for regular bail is, accordingly, rejected.

However, the trial court is directed to expedite the trial and try to conclude it as soon as possible, preferably, within a period of one year.

(Vinod Kumar Sinha, J)

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