

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24945 of 2017

Arising Out of PS.Case No. -1 Year- 2017 Thana -MAHILA PS District- JEHANABAD

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1. Ashok Kumar Son of Kedar Saw, Resident of Village- Usri Bazar, P.S.-
Mehandiya, District- Arwal.

.... 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 : Dr. Rabindra Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 28-06-2017 Heard the parties.

This application is for grant of regular bail in connection with Mahila P.S.Case No.01 of 2017 for the offences under Sections 376 of the Indian Penal Code and Seciton 4 of POCSO Act.

The allegation against the petitioner as per F.I.R. is that he has committed rape upon the daughter of the informant, however, it is submitted on behalf of the petitioner that he has been falsely implicated in this case due to village politics, which will appear from the fact that in the F.I.R. it is alleged that the informant heard some sound and thereafter he saw the petitioner who committed rape upon his daughter and he caught him. On the other hand, statement of the girl recorded under Section 164 Cr.P.C.



shows that she has stated that a lady saw committing rape and thereafter she informed the same to the mother of the victim girl and then father of the victim caught him. It has also been submitted that the statement under Section 164 Cr.P.C also does not show commission of rape. On the other hand statement of mother of the victim before the police shows that she came to know about the same from the father of the victim as such there are vital contradiction between the statement of the victim as well as mother and father of the victim. The petitioner is in custody for about six months. It is further submitted that the examination by the Doctor and the medical report also does not show any injury.

Heard learned A.P.P. also, who has opposed the prayer for bail.

Having heard both sides and in view of the facts and circumstances, as stated above, I am not inclined to grant bail to the petitioner, however, considering age of the victim, the learned trial court is directed to expedite the trial and try to conclude it within a period of seven months. The learned trial court is also directed to frame charges.

At the same time, the S.P., Jehanabad is directed to ensure presence of the witnesses before the court below on the date fixed so that the trial may be concluded within the period as specified.



With the aforesaid observation, this application is dismissed.

(Vinod Kumar Sinha, J)

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