

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10921 of 2017

Arising Out of PS.Case No. -80 Year- 2016 Thana -MAHILA P.S. District- NALANDA
(BIHARSHARIFF)

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1. Ramashray Raut @ Ramashray Prasad, son of Late Karu Raut, resident of
Village- Chhatiana, P.S.- Harnaut, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. A.K. Mishra, Adv.

For the Opposite Party/s : Mr. Ramchandra Sahani, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

5 30-06-2017 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner is in custody since 14.12.2016 in connection
with Mahila P.S. Case No. 80 of 2016 registered under Sections 376 of
the Indian Penal Code and Section 4/8 of the POCSO Act.

Learned counsel for the petitioner has submitted that the
petitioner, who is of clean antecedent, is innocent and has not
committed any offence. In fact, there is land dispute between the parties
and on account of that only, this petitioner has been made accused in
this case. The victim, who is said to be of 17 to 18 years of her age, was
examined by the doctor and from the medical report it appears that no
sign of rape or any injury was found in the private part of the victim,
which is at Annexure-2. Therefore, no case under Section 376 of the
I.P.C. is made out against the petitioner. The petitioner is rotting in



custody for the last seven months.

Learned A.P.P. has opposed the prayer for bail of this petitioner and submitted that there is direct allegation of commission of rape against the petitioner. The witnesses have also supported the prosecution version, which is evident of paragraph 4, 7 and 8 of the case diary.

Considering the facts and circumstances of the case, this Court is not inclined to grant regular bail to the petitioner. Accordingly, the prayer for regular bail of this petitioner is rejected.

However, the trial court is directed to conclude the trial as expeditiously as possible preferably within a period of nine months.

(Arvind Srivastava, J)

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