

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49330 of 2017

Arising Out of PS.Case No. -35 Year- 2017 Thana -JAKKANPUR District- PATNA

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1. Bipin Kumar S/o Berendra Kumar, R/o Village- Khemkharan Sarai,
Kurtha, Post and P.S.- Kurtha, District- Arwal (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh

For the Opposite Party/s : Mr. Sri Khurshid Anwar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 20-11-2017 Heard the parties.

This application is for grant of regular bail in connection with Jakkanpur P.S.Case No.35 of 2017 for the offences punishable under Section 376 of the Indian Penal Code and Section 4 of the POCSO Act.

Allegation against the petitioner is of commission of rape of a minor girl aged about nine years of age.

Submission of the learned counsel for the petitioner is that the petitioner has not been named by the victim in her statement under Section 164 Cr.P.C. and the medical report also does not support commission of rape as well as the age of the girl has not been assessed. The petitioner was not put on T.I.P. and he is in custody for nine months.



Heard learned A.P.P. also, who has opposed the prayer for bail stating that the girl in her statement under Section 161 Cr.P.C. has taken name of the petitioner and in the statement under Section 164 Cr.P.C. also she has stated about uncle who has done wrong with her and further she had narrated about the occurrence to her mother, just after the occurrence.

Having heard both sides and all the facts of the case are against the petitioner, in such view of the matter, I am not inclined to grant bail to the petitioner, however, the learned trial court is directed to expedite the trial of the petitioner.

With the aforesaid observation, this application is dismissed.

(Vinod Kumar Sinha, J)

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