

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35687 of 2017

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1. Gappu Sah @ Prakash Kumar, Son of Raju Choudhary @ Raju Sah,
Resident of Mohalla- Jan Tola near Rajendra College Gate, Police Station-
Bhagwan Bazar, District- Saran (Chapra).

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra

For the Opposite Party/s : Mr. Sri Ram Bilash Roy Raman

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 08-08-2017 The petitioner seeks regular bail in connection with

S.T. POCSO NO. 01 of 2017 registered for offences punishable

under Sections 376 of Indian Penal Code.

Allegation against the petitioner is committing rape
on the prosecutrix.

It has been submitted on behalf of the petitioner that
the petitioner, who is of clean antecedent, is innocent and has not
committed any offence. In fact, the occurrence is said to have
taken place on 13.12.2016 but the F.I.R. has been lodged after
lapse of 23 days without explaining the plausible delay. Moreover,
the medical report also does not support the allegation of rape on
the victim as the doctor has not found any sign of rape on the
persons of the victim. It has also been submitted that the petitioner



has falsely been implicated in this case and he has been rotting in judicial custody since 08.07.2017.

Learned counsel for the State opposed the prayer for bail and submitted that there is direct allegation of commission of rape on the victim against the petitioner, therefore, petitioner does not deserve the privilege of bail.

Having heard both sides, considering the fact and circumstances of the case and the statement of the girl under Section 164 Cr.P.C., 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 preferably within a period of nine months.

(Vinod Kumar Sinha, J)

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