

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15148 of 2018

Arising Out of PS. Case No.-76 Year-2017 Thana- SINGHIYA District- Samastipur

Md. Nehal, son of Abdul Jabbar, resident of Village- Salepur Tole Balaha,
P.S.- Singhia, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Advocate
For the State : Mr. Ajay Kumar-I, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

3 08-05-2018 Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner, already in custody, seeks bail in connection
with Singhia P.S. Case No.76 of 2017, registered under Section
376 of the Indian Penal Code as well as under Section 4 of the
POCSO Act.

Allegation is that when the informant's mentally
retarded daughter went to ease in the field, the petitioner raped
her.

Learned counsel for the petitioner submits that there is
vital contradictions in the statement of the informant and the
girl. As per the FIR, the rape was committed 4:30 in the
evening; whereas the girl has stated the timing at 4:00 in the
morning, moreover there is no sign of rape found by the medical



board and her age was assessed in between 17 to 18 years. It is also submitted that the FIR was lodged after delay of four days.

Learned counsel for the State submits that there is specific allegation against the petitioner of committing rape and there is no motive for false implication, moreover the medical board examined the girl after four days and has found her hymen ruptured.

Having considered the aforesaid facts and circumstances, the Court is not persuaded to grant bail to the petitioner. Accordingly, the prayer of bail of the petitioner is rejected in connection with Singhia P.S. Case No.76 of 2017, pending in the court of learned Special Judge, POCSO Act, Samastipur with a direction to the trial court to expedite the trial and preferably conclude the same within a year.

(Arun Kumar, J)

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