

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30609 of 2018

Arising Out of PS.Case No. -75 Year- 2018 Thana -CHARPOKHARI District- BHOJPUR

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Shanti Chaudhary S/o Devmuni Chaudhary, R/o Vill.- Katharai, P.S.-
Charpokhari, District- Bhojpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Singh

For the Opposite Party/s : Mr. Sri Ahtash Ali Khan

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 05-07-2018 Heard learned counsel for the petitioner, learned
counsel for the informant as well as learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Charpokhari P.S. Case No.75 of 2018 registered for the offences
punishable under Sections 376 and 511 of the Indian Penal Code
and Section 3/ 6 of the POCSO Act.

The informant is mother of the victim girl. It is alleged
that this petitioner in absence of informant lifted her minor
daughter aged about 7 years and took towards a lonely place and
attempted to commit rape. On the alarm of victim, the grass cutter
ladies reached there and saw the occurrence. After arrival of
people, the petitioner escaped from the place of occurrence.

It has been submitted that the petitioner has been
implicated by the villagers. The medical evidence does not
support any sexual assault on the victim. The petitioner is in



custody since 20.03.2018 having clean antecedent and so he deserves bail.

The learned counsel for the informant as well as learned A.P.P. for the State opposed the submission.

From perusal of the case-diary, it appears that there is specific allegation that after removing the clothes of victim girl aged about 7 years, the petitioner attempted to commit rape on her. The petitioner was apprehended by villagers and handed over to the police. In case-diary, a large number of witnesses, who claim to have immediately reached at the place of occurrence, have supported the allegation of attempt to commit rape on the victim. It further appears that the charge sheet has already been submitted for the offences under section 376 of I.P.C. and section 4 of POCSO Act. It further appears that the victim and doctor have been examined and the case is pending for evidence of I.O. The doctor has assessed the age of victim a 10-12 years.

Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. The prayer of bail is, accordingly, rejected.

The court below is directed to expedite the trial.

(Sanjay Kumar, J)

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