

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.55657 of 2018

Arising Out of PS. Case No.-99 Year-2017 Thana- PURAINI District- Madhepura

Bahadur Kumar Son of Abhyas Sah Resident of Village - Durail, P.S. Puraini,
District Madhepura ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Bam Bahadur Jha, Adv.

For the Opposite Party : Mr. Vinod Shankar Modi, APP 188

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

3 03-10-2018 Heard the learned counsel for the petitioner and the learned
counsel appearing for the State.

The petitioner had earlier moved for bail which was rejected on 15.02.2018 in Cr. Misc. No. 2678 of 2018. The petitioner is languishing in judicial custody since 25.08.2017 in connection with POCSO Case No. 23 of 2017 arising out of Puraini P.S. Case No. 99 of 2017 for the offences alleged under Sections 376 of the Indian Penal Code and 4 of the Protection of Children from Sexual Offences Act.

The prosecution case, as lodged by the informant, is that while she had gone to the field for cutting grass she found petitioner committing rape on her nine year old daughter, Madhu Kumari.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent and himself is of an age of 18 years and uncle of the victim. He submits that victim-girl in her statement under Section 164 of the Criminal Procedure Code has only stated that the petitioner had only assaulted



her and apart from that there is no other allegation.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that on the medical examination, the Medical Board has found signs of rape.

In this regard, the status of the case was called for from the learned Additional Sessions Judge, I, Madhepura, who has submitted his report vide Letter No. 158/2018, dated 17.09.2018, that out of total nine witnesses, three had been examined and the trial would be concluded within six months, if both the parties cooperate.

Considering the facts and circumstances and the materials on record, I am not inclined to grant the privilege of bail to the petitioner at this stage.

The prayer for bail is **rejected**.

However, the petitioner may move for bail after six months, if trial is not concluded by that time.

(Nilu Agrawal, J)

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