

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60593 of 2017

Arising Out of PS.Case No. -421 Year- 2017 Thana -GOPALGANJ TOWN District- GOPALGANJ

- =====
1. Rajendra Sah, S/o Dhrup Sah,
 2. Simpu Sah, S/o Madan Sah, R/o Village- Tirvirwa, P.S. +District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhramveer, Advocate

For the Opposite Party/s : Mr. Arbind Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

6 08-02-2018 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners are in custody in connection with Gopalganj Town P.S. Case No.421 of 2017, a case under Section 376D of the Indian Penal Code, pending in the Court of learned 1st Additional Sessions Judge, Gopalganj. Subsequently, offence under Section 6(g) of POCSO Act, 2012 was added.

According to F.I.R., gang rape was committed with the informant, an unmarried girl, wherein petitioner was also involved.

Submission is that entire F.I.R. is false and concocted one. The allegation does not find corroboration from medical evidence and counter-blast to Complaint Case No.2341 of 2016



said to be filed, after filing of the present F.I.R., disclosing the fact that the informant was found in compromising position with some other person and thereafter a panchaity was held wherein the petitioner was also involved. He further submits that during investigation also the police found the aforesaid reason for implication as correct. Petitioner is in custody since 27.09.2017.

Considering the fact at this stage the informant cannot be disbelieved only for the reason that medical opinion is not consistent with her allegation, I am not inclined to enlarge the petitioner on bail. Hence, the prayer for bail is refused. The learned trial Court is directed to expedite the trial.

(Birendra Kumar, J)

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