

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50516 of 2017

Arising Out of PS.Case No. -70 Year- 2017 Thana -MAHILA P.S. District- BHOJPUR

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1. Chandrabhushan Ram Son of Bigan Ram, R/o Village- Agion, P.S.-
Agion, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Vinod Shankar Modi, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

5 23-04-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is in custody in connection with
Bhojpur Mahila P.S. Case No. 70 of 2017, a case under Sections
376(d)/354(d)/506 of the Indian Penal Code and Sections 4/10 of
the POCSO Act, pending in the Court of 1st Addl. Sessions Judge,
Bhojpur at Ara.

According to F.I.R., lodged on 04.07.2017, the
petitioner and others allegedly committed rape against the
informant just a month after the Holi festival.

Learned Counsel for the petitioner submits that the
medical report of victim would reveal that she was pregnant since
last seven months on the date of examination on 04.07.2017 which



goes to show suppression of some material fact about her previous affairs. The petitioner is in custody since 20.07.2017. Investigation of the case is already complete. Learned Counsel for the petitioner submits that the petitioner had lodged Agion (Garhani) P.S. Case No. 44 of 2017 on 17.05.2017 against the father of the informant of this case and others for the offences under Sections 307 and 436 of the Indian Penal Code besides other ancillary sections of the Penal Code and just by way of retaliation the present false case has been lodged after long delay.

Considering the nature of allegation and material available on the record as well as support of the allegation by the informant in her statement under Section 164 Cr.P.C, I am not inclined to enlarge the petitioner on bail. Hence, the prayer for bail is refused. The petitioner would be at liberty to renew the prayer if the trial is not concluded within nine months from the date of receipt of a copy of this order by the learned trial judge. The learned trial Court is directed to expedite the trial within the aforesaid period.

(Birendra Kumar, J)

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