

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61282 of 2017

Arising Out of PS.Case No. -69 Year- 2017 Thana -DARBHANGA District- DARBHANGA

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1. Sawan Kumar S/o Banarsi sah, R/o Mohalla- Ganesh Mandir, P.S.- Town Darbhanga, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Satyendra Kumar Srivastava

For the Opposite Party/s : Mr. Sri Rajesh Kumar

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

5 21-02-2018 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner is in custody in connection with Darbhanga Town P.S. Case No. 69 of 2017, a case under Section 376(D) and 4/6 of POCSO Act and Sections 67, 67(A), 67(B) of Information and Technology Act, 2000.

The informant appears to be in physical relation with the co-accused since long on different pretext. However, she alleges that petitioner and his friends committed gang rape in collusion with others.

Learned counsel for the petitioner submits that the petitioner is in custody since 27.04.2017. The entire false allegation against the petitioner is there after the break-up of the relationship between the informant and her lover Akash Mahto, as



he was friend of Akash Mahto.

On the other hand, learned counsel for the informant opposed the prayer of bail on the ground that informant's date of birth is 19.04.2001 and she is a minor girl, aged about 16 years, hence, her consent is immaterial and serious offence is there which has been supported by the victim in her statement under Section 164 Cr.P.C. Moreover, the informant will take all steps to conclude the trial within a period of six months.

Considering the submission of the informant, the trial court is directed to conclude the trial within a period of six months without allowing any adjournment to any of the parties, unnecessarily.

In the event of non-conclusion of trial within the aforesaid period, the petitioner would be entitled to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Darbhanga Town Police Station Case No. 69 of 2017.

(Birendra Kumar, J)

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