

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39060 of 2018

Arising Out of PS.Case No. -28 Year- 2017 Thana -MAHILA P.S. District- NAWADA

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Anil Kumar @ Anil Singh, Son of Rajo Singh @ Rajendra Singh, Resident
of Village- Daulatpur, Police Station- Warsaliganj, District- Nawadah.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Arun Kumar, Advocate.
For the State : Mr. Jawahar Choubey, A.P.P.
For the Informant : M/S. Shashi Chandra Pandey and Sunil
Kumar, Advocates.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

6 13-09-2018 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner is languishing in custody since
28.03.2018 in a case for the offence registered under Sections
376/504 of the IPC and 6 of the Protection of Children from
Sexual Offences Act.

The prosecution story, in brief, is that on 02.06.2017,
Priya Kumari, 14 years old was sitting with her mother in her
house and at 12.00 hour the neighbourer Anil Singh called Priya
Kumari to his house and she went there and after sometime, the
informant heard the shouting of her daughter and when she went
she saw that Anil Singh has made her daughter naked and he was



also naked and on shouting of the informant, Anil Singh misbehaved with her and he fled away. The daughter of the informant told that Anil Singh was doing wrong on making her naked.

It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The victim has been examined under Sections 161 Cr. P.C. as well as 164 Cr. P.C. where she has not stated in respect of commission of rape upon her by the petitioner. The witnesses in paragraph nos. 50 and 51 of the case diary have stated that due to property dispute, the present case has been instituted. The petitioner and the informant are agnates. Later on, a case was instituted by the wife of the petitioner against the family members of the informant of the present case which is Annexure-2 to the present application. In the present case, charge sheet has been submitted under Sections 376/511 of the IPC and Section 6 of the POSCO Act.

On behalf of the learned counsels for the State and the informant, it has been submitted that the petitioner is named in the F.I.R. Specific allegation has been made against the petitioner



for commission of rape against him. The medical examination report of the doctor which is in paragraph no. 45 of the case diary shows that intercourse was made.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in connection with Special (POCSO) Case No. 18 of 2017, arising out of Mahila P.S. Case No. 28 of 2017, pending in the court of learned 1st Additional Sessions Judge-cum-Special Judge, Nawadah.

The court below is directed to proceed with the case expeditiously.

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(Sudhir Singh, J)

