

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6970 of 2019

Arising Out of PS. Case No.-173 Year-2014 Thana- ARA MUFFSIL District- Bhojpur

Krishna Rai S/o Dora Rai Resident of Village – Jamira, P.S.-Ara Muffasil,
District-Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Ranjan Pd. Singh, Adv
For the Opposite Party/s : Mr.Mukeshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

6 19-06-2019 Heard learned counsel for the petitioner and
learned APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 366(A), 341, 342, 323,
376(D), 506/34 of the Indian Penal Code and 6 of POCSO Act.

Allegation against the petitioner and others
named accused is that they committed gang rape against the
victim girl. Victim has supported the aforesaid allegation in her
statement under Section 164 Cr.P.C.

Learned counsel for the petitioner submits that
the Doctor has not found any sign of rape on the victim and
there is delay of 10 days in lodging of the FIR which could be
lodged only after return of the victim girl whose age was
assessed between 16 to 18 years.



The Doctor is not an expert of rape. Rape is defined under the Indian Penal Code. The statement of the victim suggests that gang rape was committed, she cannot be disbelieved at this stage.

Hence, I am not inclined to enlarge the petitioner on bail in connection with POCSO Case No.11(A)/14 arising out of Ara Muffasil P.S.Case No.173 of 2014 pending in the court of learned 1st Addl. Sessions Judge, Bhojpur at Ara. Prayer is refused.

The learned Trial Court is directed to expedite the trial.

(Birendra Kumar, J)

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