

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14475 of 2019

Arising Out of PS. Case No.-89 Year-2017 Thana- MAHILA PS District- Jehanabad

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GOPAL RAM @ GOPAL PRASAD, aged about 60 years (Male), S/o Late Mathura Ram, Resident of Village- Rukanpura, P.S.- Ghoshi (Okari O.P.), District- Jehanabad.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Tapeshwar Sharma, Advocate.

For the Opposite Party : Mr.Anil Kumar Singh No. 1, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 23-07-2019 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is languishing in custody since 07.12.2017 in a case for the offence registered under Sections 376 of the IPC and 4 of POCSO Act.

The prosecution story, in brief, is that on 05.12.2017 at about 4.00 P.M., the informant was present in the field of Lalit Babu and his grand-daughter aged about five years, was playing there, who asked about answering call of nature and went in the field. After some time, she came back after crying. Seeing it, the informant went there and saw Gopal Ram (petitioner) was trying to rape upon his grand-daughter who entered his penis in the vagina of his minor grand-daughter.



Seeing it, the informant began to abuse this petitioner, then he fled away leaving his grand-daughter. His daughter-in-law (Patohu) Rajmaniya Devi also came and saw the entire occurrence.

Earlier bail of the petitioner was rejected by the then Co-ordinate Bench of this Court vide Cr. Misc. No. 30139 of 2018 under order dated 15.05.2018 taking into account that the medical examination report supports the allegation made in the F.I.R.

A report was called for from the learned court below. It has been reported that the charge has been framed for the offence under Sections 376 of the IPC and 4 of POCSO Act, on 30.07.2018.

Considering the nature of allegation and the stage of the case, I am not inclined to grant bail to the petitioner. The same is rejected in connection with Jehanabad Mahila P.S. Case No. 89 of 2017, pending in the court of learned 1st Additional Sessions Judge, Jehanabad.

The court below is directed to take all necessary steps to conclude the trial preferably within a period of nine months from the date of receipt/production of copy of this order.

The District Magistrate, Jehanabad and the



Superintendent of Police, Jehanabad, are also directed to ensure that the prosecution witnesses are produced in the court below on the date fixed by the court below so that the trial could be concluded within the stipulated period.

Let a copy of this order be communicated to the District Magistrate, Jehanabad and the Superintendent of Police, Jehanabad.

(Sudhir Singh, J)

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