

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16559 of 2019

Arising Out of PS. Case No.-31 Year-2018 Thana- ASHOK PAPER MILL District-
Darbhanga

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KANHAIYA DAS (Male), aged about 19 years, Son of Baleshwar Das,
Resident of Village-Indira Nagar, Police Station-A.P.M., District - Darbhanga.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Girish Chandra Jha, Advocate.
For the Opposite Party : Mr.Ajay Kumar Jha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 17-09-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in a case registered for the
offence under Sections 8 and 10 of POCSO Act in which charge
sheet has been submitted under Sections 376(D) of the IPC and
6 of POCSO Act.

The prosecution story, in brief, is that on 04.04.2018
at about 6.00 P.M., the cousin Dewar of the informant, namely,
Kanhaiya Das (petitioner), took her daughter forcibly excuse to
play towards Brahmotra Chowk, where he gave the baby to co-
accused Robin Das, who is also cousin Dewar of the informant,
both are in drunken state and when he did not come back then at
about 7.30 P.M., she started searching but could not find her



daughter, thereafter, at about 9.30 P.M. co-accused Robin Das came with her daughter and gave the baby to the mother of Kanhaiya Das (petitioner) and fled away from there and mother of Kanhaiya Das gave the baby to the mother of the informant, but at that time, her daughter was unconscious and bleeding from her private part and mouth, thereafter, villagers caught the accused persons and handed over to the police.

It has been submitted by learned counsel for the petitioner that the petitioner is languishing in jail since 06.04.2018. He has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case due to village politics. The informant during the trial has not supported the allegation made in the F.I.R.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. There is allegation of commission of rape alleged against the petitioner.

A report was called for from the court below regarding the stage of the case. It has been reported that the statement under Section 313 Cr. P.C. has already been recorded. The trial is likely to be concluded within a period of three



months.

Considering the nature of accusation and the stage of the case, I am not inclined to grant bail to the petitioner. The same is rejected in connection with POCSO G.R. No. 12 of 2018, arising out of A.P.M. P.S. Case No. 31 of 2018, pending in the court of learned Special Judge (POCSO Act), Darbhanga.

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

(Sudhir Singh, J)

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