

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1558 of 2019

Arising Out of PS. Case No.-104 Year-2017 Thana- TANKUPPA District- Gaya

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Raju Kumar son of Ganauri Manjhi resident of Village- Barsauna, P.S.-
Tankuppa, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kr. Sinha
For the Opposite Party/s : Mr. Ram Sumiran Roy

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

4 30-01-2019 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in Tankuppa P.S. Case No. 104
of 2017 registered under Section 376 of the Indian Penal Code
and Section 4 of POCSO Act.

Petitioner is said to have committed rape against the
minor daughter of the informant by dragging her in the field on
the way to her aunt house.

It is submitted by learned counsel for the petitioner that
no such occurrence as alleged ever took place. The petitioner
has been falsely implicated in this case due to dispute of
drainage between the parties. Medical report of the victim also
does not corroborate the commission of rape against the victim.



Petitioner has been languishing in custody since 12.09.2017. Earlier vide order dated 16.03.2018 of this Court, the learned lower Court was directed to conclude the trial within nine months and further on request of learned lower Court four months more time was granted to conclude the trial but barring the doctor none of the witnesses have been examined by the prosecution till now, hence the petitioner may be enlarged on bail.

On the other hand, it is submitted by learned APP for the State that the victim in her statement recorded under Section 164 Cr.P.C. has fully supported the prosecution case and the witnesses have also corroborated the same.

From perusal of record, it appears that earlier the learned lower Court was directed to conclude the trial within nine months from the date of commitment and the case has been committed on 31.08.2017. Later on, on the request of learned lower Court four months more time was granted but the trial has not yet been concluded. From perusal of the order of the learned lower Court, it appears that the learned lower Court has issued letter to the S.P. to ensure the production of the witnesses on each and every date fixed in the case but in vain.

In the facts and circumstances of the case, I am not



inclined to enlarge the petitioner on bail. The prayer for bail is hereby rejected.

However, the learned lower Court is directed to conclude the trial as expeditiously as possible preferably within four months from the date of receipt/production of a copy of this order fixing the case on day to day basis and also take step against the Superintendent of Police concerned in accordance with law and inform the Court in case of not ensuring the production of the witnesses by the Superintendent of Police in the case. The petitioner may renew his prayer for bail after four months.

(Prakash Chandra Jaiswal, J)

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