

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34151 of 2019

Arising Out of PS. Case No.-205 Year-2015 Thana- FATUA District- Patna

Guddu Kumar Son of Late narayan Sharma @ Satyanarayan Puri Resident of
Village - Bakipur Gorakh, Ayodhya Sao Ke Makan mai Kirayadar, Nichli
Talla, P.s.- Fatuha, Dist.- Patna ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr.Nikhil Kumar Agrawal, Advocate
For the State : Mr.Akhileshwar Dayal, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 16-10-2019 Heard learned counsel for the parties and perused the case diary.

Petitioner seeks regular bail in a case registered for the offence under section 376 of the Indian Penal Code as well as under section 4 of the POCSO Act on the allegation that he committed rape on 12 years old daughter of the complainant.

Learned counsel for the petitioner submits that the allegation of rape on the petitioner is motivated as petitioner lives as a tenant in the house of the complainant and for forcing him to evict the house, the false case has been lodged. Petitioner is in custody in the instant case since 14.7.2017.

In view of order of this Court dated 6.9.2019, report of the Additional Sessions Judge I cum Special Judge, POCSO Act, Patna, dated 20.9.2019 is on record which reveals that this case is running for prosecution evidence since 7.3.2018 and out



of 8 charge sheet witnesses, not a single witness has been examined by the prosecution despite issuance of process for their production and the next date fixed for prosecution evidence is 27.9.2019.

Keeping in view the nature of allegation, petitioner's prayer for bail is rejected.

As the petitioner is in custody since 14.7.2017, trial court is directed to ensure appearance of the witnesses by taking resort of process of law and to conclude the trial as early as possible, preferably within a year from today, failing which the petitioner will have the liberty to renew the prayer for bail.

(Prabhat Kumar Singh, J)

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