

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48541 of 2019**

Arising Out of PS. Case No.-356 Year-2018 Thana- GAYA MUFASIL District- Gaya

SRICHAND KUMAR Son of Shri Baleshwar Ravidas Resident of village -
Surheri, P.S.- Mufassil , Dist.- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mrigank Mauli, Advocate Mr. Kumar Ravish, Advocate Mr. Kashyap Kaushal, Advocate
For the Opposite Party/s :		Mr. Sunil Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

4 20-11-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Gaya Muffasil P.S. Case No. 356 of 2018, disclosing the offence under Sections 376(3), 376 DA/ 354(D)(II)/341/ 342/ 323/ 452/34 of the Indian Penal Code, Section 6 of the POCSO Act and Section 67/67(A)/ 67(B) of the Information Technology Act, 2008.

It was on noticing a video, which had gone viral on social media, that the local police had swung into action leading to registration of the FIR. A Sub-Inspector of Police is the informant and on the basis of the said video, which had gone viral and the information, which he could collect on enquiry, he



mentioned in his written statement that the victim was noticed by the miscreants with one of his relatives in a house under construction. Taking advantage of the situation of the place, they entered into the house scaling over the wall of the house. Ten persons, including the petitioner, are said to have sexually abused the victim. There is specific allegation against the petitioner of this abhorrent acts in the FIR. Statement of the victim has been recorded under Section 164 of the Cr.P.C. She has supported the case of the prosecution, as disclosed in the FIR. She has stated in her statement that to avoid social stigma, she had not disclosed the occurrence to others nor had reported about it to the police. It transpires from the case diary that the petitioner admitted his acts before the police.

Learned counsel appearing on behalf of the petitioner has submitted that the medical evidence does not support the prosecution case and that eight out of the ten persons named in the FIR have been allowed regular bail by this Court.

I have perused carefully the FIR and the statement of the victim recorded under Section 164 of the Cr.P.C. The case of the petitioner, in my view, is distinguishable from cases of the others who have been allowed regular bail after having seen the FIR and case diary.



In any view of the matter, considering the gravity of the allegation made in the FIR, I do not find it to be a fit case for grant of regular bail.

This application is accordingly rejected. Let the trial be expedited and concluded preferably within a period of six months from the date of receipt/ production of a copy of this order by the court below. The petitioner shall be at liberty to renew his prayer for bail if there is no substantial progress in conclusion of trial before the court below.

List this case under the heading “to be mentioned” on 20.05.2020 for the court below to report this Court, the stage of the trial.

(Chakradhari Sharan Singh, J)

Rajesh/-

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