

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54296 of 2019

Arising Out of PS. Case No.-211 Year-2016 Thana- NAUBATPUR District- Patna

Shailendra Kumar @ Shailendra Prasad, Son of Late Dilipan Rai @ Dalipan Prasad, Resident of Village - Selgarh, P.S.- Ranitalab, Distt - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 04-09-2019 Petitioner seeks regular bail in connection with Special (POCSO) Case No. 103 of 2016, arising out of Naubatpur P. S. Case No. 211 fo 2016 registered for the offences under Sections 366A, 376, 34 of IPC and Section ¾ of the POCSO Act.

Earlier prayer for anticipatory bail of the petitioner was rejected by this Court, vide order dated 20.07.2017, passed in Criminal Misc. No. 30359 of 2017.

Allegation against the petitioner is of committing rape with the minor daughter of the informant.

Submission of learned counsel for the petitioner is that petitioner is in custody since 01.04.2017 and in this case neither the prosecutrix was examined under Section 164 of Cr.P.C. nor the medical examination of prosecutrix was done and he has falsely been implicated in this case and there is



nothing available on the record to show that she was minor at that time, but in spite of that petitioner was in custody for about two years.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that earlier also prayer for bail of the petitioner was rejected and there is allegation against the petitioner is of committing rape upon the minor girl.

Having heard both sides, in view of the facts and circumstances, as stated above, I am not inclined to grant privilege of bail to the petitioner.

Since the petitioner is in custody for about two years, so the learned Principal Judge, POCSO, Patna, is directed to expedite the trial, so that the trial may be concluded within a period of 09 months.

With the aforesaid, this application is dismissed.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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