

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5328 of 2019

Arising Out of PS. Case No.-201 Year-2017 Thana- GORAUL District- Vaishali

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Laxman Ray @ Dukhan, Son Shankar Ray @ Hari Ray, Resident of village-
Sondho Dulha, P.S. Goraul, District-Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner	:	Mr. Sarvesh Chandra Mishra and Mr. Santosh Kumar, Advocates.
For the State	:	Mr. Manish Kumar No. 2, A.P.P.
For the Informant	:	Mrs. Rina Sinha and Miss. Priyanka Kumari, Advocates.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 07-05-2019 Heard learned counsels for the petitioner, informant
and learned A.P.P. for the State.

The petitioner is languishing in custody since 15.11.2017 in a case for the offence registered under Sections 376 of the I.P.C. and 4/8 of POCSO Act.

The prosecution story, in brief, is that on 19.08.2017, the family members of the informant had gone to attend last funerals of co-villager. Her daughter aged about 10 years, went to the field to provide meal to the labourers. At that time, petitioner came in the field and asked the victim to uplift the bundle of grass, labourers working in the field, objected but on repeated calls, the victim uplifted the bundle of grass and went



alongwith the petitioner. Thereafter, the petitioner committed rape with the daughter of the informant and fled away. Shivrati Devi, labourer took the victim to her house in critical situated. Due to bleeding, she became unconscious.

Earlier prayer for bail of the petitioner was rejected by the then Co-ordinate Bench of this Court vide order dated 06.04.2018 passed in Cr. Misc. No. 10960 of 2018.

This is second attempt for grant of bail on behalf of the petitioner.

It has been submitted by learned counsel for the petitioner that the petitioner 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. There is no eye witness to the alleged occurrence. There is no substantive evidence to suggest the implication of the petitioner in the present case.

On behalf of the learned counsels for the State and informant, it has been submitted that the petitioner is named in the F.I.R. The medical examination report supports the allegation made in the F.I.R. The victim was hardly 10 years old girl at the time of occurrence.



A report was called for from the learned court below regarding the present stage of the case. It has been reported that out of 09 prosecution witnesses, 08 witnesses have already been examined and the case is expected to be concluded within a period of three months.

Considering the nature of allegation, I am not inclined to grant bail to the petitioner. The same is rejected in connection with Goraul P.S. Case No. 201 of 2017, pending in the court of learned Special Judge, Vaishali at Hajipur.

The court below is directed to take all necessary steps to conclude the trial expeditiously.

(Sudhir Singh, J)

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