

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73192 of 2019

Arising Out of PS. Case No.-278 Year-2018 Thana- SABAUR District- Bhagalpur

VISHNU KUMAR Son of Rabindra Mandal Resident of Village - Sarath,
P.S.- Goradih, Distt - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Tarun Kumar Sinha

For the Opposite Party/s : Mr.Sanjay Kumar

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 18-12-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for grant of bail in connection with Sabour(Goradih) P.S. Case No. 278 of 2018 (District-Bhagalpur) registered for the offence punishable under sections 376 of the Indian Penal Code and sections 3 and 4 of the POCSO Act.

As per the allegation in the FIR, it is stated by the informant that petitioner asked her to marry him and on her refusal a handkerchief was thrust in her mouth and by threatening her to kill, he forcibly committed rape on her.

It is submitted by learned counsel for the petitioner that while the occurrence is said to have taken place on 9.9.2018, without any reasonable or plausible explanation for



the delay, the F.I.R. was registered after a delay of 6 days on 15.9.2019. Further attention of the Court is drawn to the medical report dated 11.10.2018 brought on record as Annexure-4 to the application to show that in the opinion of the doctor, no evidence of any sexual intercourse was found in the medical examination and the age of the victim was estimated to be between 15 to 17 years.

The application for bail was opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the fact that there is direct allegation against the petitioner of having committed rape which is supported by the statement of the victim under section 164 Cr.P.C., this Court is not inclined to grant bail to the petitioner and as such the petitioner's application for bail is rejected.

The Court below is directed to expedite the trial.

(Partha Sarthy, J)

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