

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.70985 of 2018**

Arising Out of PS. Case No.-57 Year-2017 Thana- KASHICHAK District- Nawada

Santu Kumar, Son of Suresh Singh, Resident of Village-Chandinawan, Police Station-Kashichak, District-Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate.  
For the Opposite Party/s : Sri Chandrasen Prasad Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**  
**ORAL ORDER**

3      21-01-2019                      Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in **Special (POCSO) Case No. 25 of 2017 arising out of Kashichak P.S. Case No. 57 of 2017**, instituted for the offence under Section(s) 376, 365 of the Indian Penal Code and Section 6 of POCSO Act.

It is alleged in the written report that while three minor daughters of the informant were playing, he took all of them towards Tati river. Two daughters of the informant anyhow managed to run away, but petitioner caught one of the daughters of informant aged about 7 years and committed rape with her. It is further alleged that again on 19.7.2017 petitioner came at the house of the informant and called three daughters of the informant but the informant raised objection, then he became ready to assault her.

Counsel for the petitioner submits that Doctor has examined the victim girl. He did not find injury on her private part.

The statement of victim girl recorded under Section 164



Cr. P.C. has been enclosed as Annexure-2 wherein she has stated that petitioner took her near river on the pretext to give biscuit and inserted wood inside her private part. She cried, then petitioner removed her *pant*. She has further stated that she felt pain in her private part.

Therefore, this Court is not inclined to grant bail to the petitioner at this stage.

Prayer for bail of the petitioner stands rejected at this stage.

The trial court is directed to expedite the trial and make efforts to conclude the trial as early as possible preferably within a period of nine months from the date of receipt of this order because petitioner is in custody since 9.7.2018.

Petitioner is given liberty to renew his prayer for bail after nine months in the event no substantive progress is made in the trial.

**(Sanjay Priya, J)**

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