

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.76094 of 2018

Arising Out of PS. Case No.-242 Year-2016 Thana- RAXAUL District- East Champaran

Srilal Yadav S/o late Kamal Yadav R/o Village Ahirwa Tola Raxual, P.S.
Raxula, Distt. E. Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhannjay Kumar No 2

For the Opposite Party/s : Mr.Sri Anil Kumar

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 06-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Raxaul Police
Station Case No.242 of 2016, registered for the offences
punishable under Sections 366(A), 376, 323, 341, 504/34 of the
Indian Penal Code and Section 4/5 of the POCSO Act, 2012,
pending in the court of learned 1st Additional Sessions Judge-cum-
Special Judge, POCSO Act, East Champaran at Motihari.

Allegation against the petitioner is of commission of
rape against a minor girl aged about 14 years.

Earlier the prayer for bail was refused by this Court
on 04.01.2018 in Criminal Miscellaneous No.55452 of 2017.

Submission of learned counsel for the petitioner is
that the victim in her statement recorded under Section 164 of the



Code of Criminal Procedure has only alleged that she was kidnapped and was kept in confinement for four days. She was kept unconscious by injecting some medicines during that period. According to learned counsel for the petitioner, she has not alleged commission of rape by anyone.

Petitioner is in custody since 27.07.2017. The doctor who has examined the victim did not examine her in the light of allegation in the F.I.R., as such there is no finding whether rape was committed or not. The impugned order reveals that charges have been framed on 24.03.2018. However, no prosecution witness has turned up till date.

The Superintendent of Police, East Champaran is directed to ensure production of prosecution witnesses before the trial judge in connection with Raxaul Police Station Case No.242 of 2016, which is pending before the 1st Additional Sessions Judge-cum-Special Judge POCSO Act, East Champaran at Motihari and to ensure conclusion of the trial within six months.

With the aforesaid observation, the prayer for bail stands refused.

(Birendra Kumar, J)

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