

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9434 of 2020

Arising Out of PS. Case No.-58 Year-2019 Thana- MAHILA P.S BAGHA District- West
Champaran

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ARJUN KUSHWAHA Son of Babulal Kushwaha, Resident of Village -
Sihuliya, P.S.- Bhitaha, District- West Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey
For the Opposite Party/s : Mr.Mithlesh Kumar Khare

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 01-06-2020 Heard Mr. Bimlesh Kumar Pandey, learned counsel

appearing on behalf of the petitioner and Mr. Mithilesh Kumar

Khare, learned A.P.P. through Video Conferencing.

Petitioner seeks bail in Mahila Thana Bagaha P.S.

Case No.58 of 2019 registered under Sections 376(2)(i), 307

and 506 of the IPC and under Section 4 of the POCSO Act.

The victim made allegation that while she had gone to

ease out, the petitioner forcibly took her inside the sugarcane

field and committed rape with her. When the victim tried to

raise alarm, the petitioner put some poisonous substance in her

mouth causing her unconscious.

Learned counsel for the petitioner submits that the

F.I.R. was lodged after seven days of the occurrence. The doctor



did not find any sign of rape on the victim. The doctor also did not find any poisonous substance on the examination of the victim, but it appears that the victim made her statement under Section 164 of the Cr.P.C. and other witnesses have also fully supported the case of the victim. There is specific allegation that the petitioner committed rape with the victim after taking her inside the sugarcane field.

Having considered the facts aforesaid, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

The trial court is directed to expedite the trial and conclude the same within nine months from the date of receipt of this order. If the trial is not concluded within nine months, the petitioner may renew his prayer for bail thereafter.

(Prabhat Kumar Jha, J)

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