

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10935 of 2020

Arising Out of PS. Case No.-449 Year-2019 Thana- DIGHA District- Patna

DEEPAK KUMAR S/o Sankar Rai R/o village- Azad Nagar, Amrudi Bagicha,
Road No. 23H, P.S.- Rajiv Nagar, District- Patna. 800024

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate.
Mr. Kundan Prasad Singh, Adv.
For the Opposite Party/s : Mr. Arbind Kumar Pandey, APP 84

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 01-07-2020 This case has been heard through video conferencing.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in a case registered for the offence punishable under Sections 376, 506 & 363/34 of the Indian Penal Code and Section 4/6 of the POCSO Act.

The petitioner has earlier moved this Court for bail which was rejected vide order dated 27.11.2019 passed in Cr. Misc. No.74817 of 2019.

While the daughter of the informant had gone to school, the petitioner forcibly got seated his daughter in the car and the car was being driven by one Rahul. Thereafter, they



brought his daughter to the house of their friend where petitioner committed rape against his daughter and thereafter they dropped his daughter on the gate of the school by the said car.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He has been falsely implicated in this case. As a matter of fact, the victim girl was in love with this petitioner for about one year before the alleged occurrence and when this fact came into the knowledge of the informant, he hatched a plan to anyhow dragged the petitioner in the instant case for which he kept her daughter behind the scene and came forward to lodge this false and frivolous case against him on altogether concocted story. In the medical report the age of the victim has been assessed to be 16-17 years of age. The petitioner has no criminal antecedent and has been languishing in custody since 07.08.2019.

Per contra, learned APP for the State vehemently opposing the bail petition submitted that from perusal of the impugned order, it appears that the informant, victim, her mother and one witness Ratnesh Prasad in paras-2, 3, 4 and 9 respectively of the case diary have fully supported the prosecution version and active involvement of the petitioner in



this case. Hence, he does not deserve privilege of bail.

In the facts and circumstances of the case as also considering the nature of the offence, I am not inclined to enlarge the petitioner on bail. The prayer for bail is hereby rejected.

However, the learned Trial Court is directed to conclude the trial as expeditiously as possible preferably within nine months from the date of receipt/production of a copy of this order. Both the parties are expected to extend their co-operation in conclusion of the trial. The learned Trial Court is also directed to conduct the trial expeditiously through video-conferencing, if physical Court proceeding is not available. The Senior Superintendent of Police, Patna is directed to ensure production of the witnesses in the case on each and every date fixed without fail.

Let a copy of this order be sent to the Senior Superintendent of Police, Patna for needful.

(Anjani Kumar Sharan, J)

Trivedi/-

U		T	
---	--	---	--

