

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.720 of 2020

Arising Out of PS. Case No.-35 Year-2019 Thana- MAHILA P.S. District- Sheohar

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TULLU SAHANI, son of Kalicharan Sahani, resident of village Ladaura, P.S.
Tariyari Chhapra, District Sheohar

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Devendra Kumar

For the Respondent/s : Ms.Asha Devi

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 29-06-2020 Heard learned Counsel for the petitioner and learned

Additional Public Prosecutor for the State, through video

conferencing.

The petitioner seeks regular bail in connection with
Mahila Police Station Case No. 35 of 2019, registered for the
offences punishable under Section 376 of the Indian Penal
Code, Section 4 of the Protection of Children from Sexual
Offences Act, 2012 and Section 3 (ii) (v) of the Scheduled Castes
and Tribes (Prevention of Atrocities) Act, 1989.

The allegation against the petitioner is that the
petitioner forcibly took the informant to the nearby bamboo
clump and committed rape on her.

Learned Counsel for the petitioner submit that the



petitioner has falsely been implicated in this case inasmuch as the incident has allegedly taken place on 11.11.2019 and the present First Information Report has been lodged after a considerable delay on 30.12.2019. He further submits that the medical examination of the victim girl was conducted, but the informant refused for external and internal examination of genitalia and the medical board has assessed her age between 17 and 19 years. He further submits that the petitioner is in custody since 05.01.2020.

On the other hand, learned Additional Public Prosecutor submits that the petitioner has specifically been named in the First Information Report, which has been corroborated by the victim in her statement, recorded under Section 164 of the Code of Criminal Procedure, 1973. He further submit that the victim girl is minor inasmuch as in course of investigation, it has come to light that the age of the victim, as per her educational certificate, is 17 years. He further submits that in view of the categorical statement made by the victim girl in her statement, recorded under Section 164 of the Code of Criminal Procedure, 1973 against the petitioner, the petitioner does not deserve privilege of bail.

On the last occasion, this Court had called for a report



from the learned Trial Court regarding the stage of the trial. A report, vide letter no. 42/2020, forwarded by Additional Sessions Judge -cum- Special Judge, Sheohar is on record and from perusal of the same, it appears that charge has already been framed against the petitioner on 04.06.2020.

Accordingly, in view of the materials on record and the statement of the victim girl under Section 164 of the Code of Criminal Procedure, 1973, I am not inclined to grant the petitioner privilege of bail.

This application is, accordingly, dismissed.

However, the petitioner will be at liberty to renew his prayer for bail after completion of one year from today, if the trial is not concluded by that time.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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