

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15806 of 2020

Arising Out of PS. Case No.-391 Year-2019 Thana- GORAU District- Vaishali

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Ram Kumar Ray S/o Bal Kishun Ray Resident of Village- Hasanpur Gangati,
P.S.- Goraul, Distt- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 29-06-2020 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

The petitioner who is in custody since 21.10.2019 has filed the instant application for grant of regular bail in connection with Goraul (Kathara O.P.) P.S. Case no. 391 of 2019 registered under section 376 of the Indian Penal Code and section 4 and 18 of the POCSO Act.

As per allegation in the FIR, it is stated by the informant that her 15 year old daughter had gone out to ease herself and on her not returning, when the informant went out in her search, she saw the petitioner assaulting her. She caught hold of the petitioner but releasing himself, he escaped with two unknown persons.

The case diary had been called for in the case which



has been received.

It is submitted by learned counsel for the petitioner that although the FIR was lodged against the petitioner and two other accused persons, however, even in course of investigation there is no trace of the other two co-accused and hence the allegation as levelled in the FIR itself is false. It is submitted that the FIR does not mention about the date of occurrence. In medical examination, the alleged victim was estimated to be a major and hence no offence under POCSO would be made out. The petitioner has no criminal antecedent, he is in custody since 21.10.2019 and charge sheet has been submitted in the case.

The application for bail is opposed by learned APP for the State.

On perusal of the case diary it transpires that the victim daughter of the informant was medically handicapped and she could neither hear nor speak. She was taken for medical examination wherein injuries and bruise mark were found on her body, however, it has been noted that she was not cooperative for physical examination.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the nature of allegation as levelled in the FIR together with



the injury and bruise mark found in the external examination conducted on the victim daughter of the informant, the Court is not inclined to enlarge the petitioner on bail and as such his application for bail is rejected.

However, in the facts and circumstances of the case, the petitioner may renew his prayer for bail after completing one year in custody.

(Partha Sarthy, J)

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