

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16321 of 2020

Arising Out of PS. Case No.-104 Year-2019 Thana- MAHILA P.S. District- Araria

Kundan Kumar Bhagat, aged about 30 years, Male, Son of Chandra Bhagat @ Chandranand Bhagat, R/o Pahunsra, Ward No.2, P.S. Raniganj, District Araria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Anupa Nand Jha, Advocate
For the State : Mr. Ajay Kumar No.2, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 02-07-2020 Heard Mr. Anupa Nand Jha, the learned counsel for the petitioner and Mr. Ajay Kumar No.2, the learned Additional P.P. through video conferencing.

The petitioner seeks bail in Mahila P.S. Case No.104 of 2019, registered under Sections 376, 354(A), 328 of the Indian Penal Code and under Section 4 of the POCSO Act.

The mother of the victim alleged that while her daughter was returning from a temple, the petitioner kidnapped her and after administering intoxicating substance, committed rape with her. The petitioner left the victim near the bus stand and fled away.

Learned counsel for the petitioner submits that all the allegations are false and concocted. The petitioner never kidnapped the victim. Nobody has seen the petitioner taking the victim. The petitioner has falsely been implicated in the case on account of village politics. There is vital contradictions in the statement of the mother of the victim and the statement of the



victim recorded under Section 164 Cr.P.C., but it appears from perusal of the statement of the victim recorded under Section 164 Cr.P.C. that the victim herself made specific allegation that it was the petitioner who kidnapped and committed rape with her. The doctor assessed the age of the victim between 15 to 16 years.

Considering the facts aforesaid and nature of allegations made against the petitioner, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of the petitioner is rejected.

The learned 1st Additional Sessions Judge, Araria is directed to hold the trial on day to day basis and conclude the same within nine months from the date of receipt of this order.

The Superintendent of Police, Araria is directed to ensure the attendance of the witnesses in the trial court so that the trial must be concluded within nine months.

If the trial is not concluded within nine months, the petitioner may renew his prayer for bail.

Let a copy of this order be sent to the learned trial court and the Superintendent of Police, Araria for information and needful.

(Prabhat Kumar Jha, J)

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