

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.21213 of 2020**

Arising Out of PS. Case No.-64 Year-2019 Thana- MAHILA PS District- Buxar

Sonu Kumar, Son of Gorakhnath Thakur, Resident of Village - Gangauli, P.S.-
Simari (O.P. Ramdas Rai Ka Dera), Distt.- Buxar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ravi Shankar Pathak, Advocate
For the Opposite Party/s : Mr.Binod Kumar No. 2, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 10-09-2020 Heard learned counsel for the petitioner and Mr. Binod
Kumar No. 2, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Buxar Mahila P.S. Case No. 64/2019 (POCSO 47/19) registered for the offences punishable under Sections 376(D), 506, 313 of the Indian Penal Code and Section 4 of POCSO Act, pending in the court of learned ADJ - 1st – cum – Special Judge, Buxar.

The allegation against the petitioner is that he along with co-accused had forcibly committed rape on the victim girl near the bridge when she had gone to ease during evening time. It is alleged that because of the said rape she had become pregnant whereupon she was taken to hospital and her abortion was also done in the hospital, later on when she started bleeding she informed her mother



whereupon the present case has been lodged.

Contention of learned counsel for the petitioner is that the alleged occurrence in this case had taken place on 22.06.2019 and the FIR has been lodged on 07.11.2019. Besides that the victim has been found aged about 20-21 years in her medical examination and as such she being major, delay in lodging of the FIR is such that it creates a grave doubt on the prosecution version of the story. It is submitted that the petitioner is only 19 years old, he is a student and has otherwise no criminal antecedent, he is in custody in connection with this case since 03.03.2020.

Learned APP for the State has opposed the prayer for regular bail of the petitioner. It is submitted that there is allegation of rape against him and considering that presently the petitioner is in custody only for last six months approximately, he does not deserve privilege of regular bail.

Having regard to the facts and circumstances of the case wherein this Court has noticed that there is an allegation of commission of rape against the petitioner, though the victim is said to be major and the FIR has been lodged with a delay of 5 months, for the present, this Court is not inclined to grant privilege of regular bail to the petitioner.

Let the trial be expedited.

The petitioner may renew his prayer for bail after examination of victim girl in course of trial.



At this stage learned counsel for the petitioner has submitted that in this case charge-sheet has yet not been filed, if it is so, it is needless to say that the right of an accused to pray for a default bail is altogether an independent right and the same would not get prejudice by this order.

This application is, thus, disposed of with the aforesaid observations.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

