

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49633 of 2019

Arising Out of PS. Case No.-34 Year-2017 Thana- SAKSOHRA District- Patna

GAURAV KUMAR @ BITTU KUMAR @ BITTU Son of Shri Dharmendra Kumar Resident of N. H. 31 Kabirmath, Kazichak, P.S.- Barh, District - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anirudh Kumar Sinha

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 23-01-2020 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner is languishing in custody for the offences punishable under Sections 376/307 of the Indian Penal Code and Section 6 of the POCSO Act in connection with Special POCSO Case No. 155 of 2017, arising out of Saksohra P.S. Case No.34 of 2017.

Allegation against the petitioner is that he ravished to the daughter of the informant and thereafter attempted to commit murder of the victim by assaulting with hammer at her head.

Submission of learned counsel for the petitioner is that petitioner is in custody since 26.06.2019. There is delay of more than one month in lodging the FIR. There is no medical report on the case-diary to suggest that the victim had sustained any head injury;



rather some witnesses stated before the police that both had love affairs and the victim had met with an accident while going along with the petitioner on a motorcycle. Just to pressurize false case has been lodged.

Since the statement of the victim wherein she disclosed that the petitioner had ravished her cannot be disbelieved at this stage only on the ground that statement under Section 164 Cr.P.C. was recorded on 29.05.2018 after a delay of seven months. Hence, I am not inclined to enlarge the petitioner on bail. Hence, the prayer for bail is refused.

However, petitioner may renew his prayer if the trial is not concluded within nine months from the date of receipt of a copy of this order.

(Birendra Kumar, J)

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