

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61789 of 2019

Arising Out of PS. Case No.-193 Year-2019 Thana- MUFFASIL District- Aurangabad

JITU KUMAR Son of Vilas Singh @ Bilas Singh @ Vilas Singh
Chandrabanshi @ Bilas Singh Chandrabanshi Resident of Village-Rajoi, P.S-
Muffasil (Aurangabad), District-Aurangabad.

... .. Petitioner

Versus

The State of Bihar

.. .. Opposite Party

Appearance :

For the Petitioner/s : Ms.Sanjana

For the Opposite Party/s : Mr.Tarun Prasad Mandal

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 05-03-2020

Heard learned counsel for the parties.

This application for grant of regular bail arises out of Mufassil P.S. Case No. 193 of 2019 registered for the offence punishable under Sections 376, 504, 506/34 of the Indian Penal Code and Section 4/6 of the POCSO Act.

There is specific allegation against the petitioner of having committed rape on the victim, who has supported the allegation in her statement, recorded under Section 164 of the Code of Criminal Procedure. Case diary has been called for. The First Information Report was registered two days after the date of occurrence. The age of the victim has been assessed to be 16-17 years.

Learned counsel appearing on behalf of the petitioner has submitted that lodging of the First Information Report, two



days after the alleged date of occurrence, casts a serious doubt on the case of the prosecution. He has further submitted that since no sign of rape has been found by the medical expert, the petitioner deserves regular bail, who is in custody since 26.08.2019.

However, considering the direct allegation against the petitioner in the First Information Report, which has been supported by the prosecutrix in her statement, under Section 164 of the Code of Criminal Procedure, I am not inclined to grant the petitioner privilege of regular bail.

This application is accordingly rejected.

The Court below is directed to ensure expeditious conclusion of the trial. Considering the nature of allegation, the petitioner shall be at liberty to renew his prayer for bail after six months, if there is no substantial progress, in the meanwhile, in trial.

(Chakradhari Sharan Singh, J)

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