

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63099 of 2019

Arising Out of PS. Case No.-43 Year-2018 Thana- BARHARA District- Bhojpur

RAHUL KUMAR @ CHHOTE KUMAR @ CHHOTE KUMAR SINGH @
CHHOTU KUMAR SINGH Son of Rajendra Singh @ Rajendra Kumar
Resident of Village - Bindgava, P.S.- Koilwar, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shiv Prasad Gupta

For the Opposite Party/s : Mr.Ram Bilash Roy Raman

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 26-06-2020 The matter has been taken up through virtual Court proceeding.

None appears for the petitioner. However, heard learned counsels for the Informant and the State.

Though a report with regard to the stage of trial of present case was called for from the Court of learned Ist Additional Sessions Judge, Bhojpur at Ara vide order dated 05.03.2020 but the office note dated 25.6.2020 reflects that the same has yet not been received. Hence, the matter is being disposed of on the basis of materials available on record.

The petitioner is languishing in jail since 29.07.2018 in a case registered for the offences punishable under Sections 366 (A)/34 of the IPC. Subsequently, Sections 376(D), 302 and



376(A) of the IPC and Section 4 of POCSO Act, 2012 were also added vide order dated 7.4.2018.

The prosecution case, as per the written report of Shivraj Rai submitted to the SHO, Barahara Police Station, is to the effect that on 31.01.2018 at 8.00 P.M., the daughter of the informant (changed named AB) aged 16 years, went to ease out but immediately thereafter, she started screaming that three boys are taking her away. Consequently, the informant along with others went outside and saw Chhotu Kumar Singh (petitioner) and co-accused Balwant Singh and one unknown were taking away the daughter of the informant on a motorcycle. It is alleged that the motorcycle in question was being driven by the petitioner and the two other co-accused persons were catching hold of the daughter of the informant. The informant tried to rescue his daughter but the accused persons managed to take her away.

It appears from the pleadings that though for the occurrence of 31.01.2018, the FIR was registered on 05.02.2018 but from the case diary, it appears that the informant, keeping in view his reputation, could not register the FIR earlier. After conclusion of investigation, the petitioner has been chargesheeted under Sections 376(D) and 302 of the IPC and



Section 4 of the POCSO Act, 2012 as the daughter of the informant was found to have been ravished and killed.

Learned counsels for the informant and the State submit that all the prosecution witnesses have been examined and the case is at argument stage.

Considering the fact that all the prosecution witness have been examined and the case is at the advance stage of argument, this Court is not inclined to grant bail to the petitioner in connection with Barhara P.S.Case No.43 of 2018 pending in the Court of Ist Additional Sessions Judge, Bhojpur at Ara.

Accordingly, the prayer of the petitioner for bail is rejected.

(Dinesh Kumar Singh, J)

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