

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63374 of 2019

Arising Out of PS. Case No.-36 Year-2019 Thana- KHARHAGPUR District- Munger

CHHOTU DAS @ CHHOTU Son of Jeotish Das @ Jeotis @ Kailash Das
Resident of Village/Muhalla- Jagir Lohchi, P.S.- Kharagpur (Shampur),
District- Munger.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjiv Kumar Singh
For the Opposite Party/s : Mr.Gulnar Begum

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 04-03-2020 Heard both sides.

The petitioner seeks bail in Kharagpur(Shampur) P.S.
Case No.36 of 2019 registered under Section 376 of the Indian
Penal Code and under Section 6 of POCSO Act.

The victim disclosed before the S.I. of Rajouri Garden
that while she was living with her maternal grandmother,
Chhotu(the petitioner) who was having love affairs came and
established physical relation. Three months ago, she came to
Delhi and on medical examination, she was found pregnant. She
gave birth to a male child.

The learned counsel for the petitioner submits that
victim herself disclosed that she was having love affairs with the
petitioner. The petitioner never established physical relation
without the consent of the victim. The victim made her
statement under Section 164 Cr.P.C. and she altogether changed
her statement and disclosed that the petitioner forcibly
established physical relation and she became pregnant. It is



further submitted that Medical Board examined the victim and found her age between 16-17 years. Charges have already been framed. The petitioner is in jail since 03.04.2019.

Learned A.P.P. opposed the prayer for bail.

It appears from perusal of the record that the petitioner established physical relation with the victim who is a minor and victim became pregnant. The consent of the victim is immaterial. Victim also gave birth to a male child.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

The trial court is directed to expedite the trial and conclude the same within nine months from the date of receipt of this order after holding the trial on day to day basis.

The S.P., Munger is directed to ensure the attendance of the witnesses before the trial court on each and every date so that the trial must be concluded within nine months.

Let a copy of this order be communicated to S.P., Munger as well as Special Judge, POCSO Act-cum-A.D.J. 1st, Munger for information and needful.

(Prabhat Kumar Jha, J)

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