

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74022 of 2019**

Arising Out of PS. Case No.-40 Year-2019 Thana- MAHILA P.S. District- Sheikhpura

BIRJU RAM Son of Bijay Ram Village-Pain, P.S. and District-Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar

For the Opposite Party/s : Mr.Arun Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 05-03-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with POCSO Case No. 38/19 arising out of Sheikhpura Mahila P.S. Case No. 40/2019 instituted for the offences under Sections 376(G) of the Indian Penal Code and 67 of I.T. Act.

The prosecution case in short is that the accused persons committed rape on the informant while she was returning to village.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 22.6.2019 and has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. Charge-sheet has been submitted in the present case. The petitioner has falsely been



implicated in the present case due to previous enmity. The brother of the victim was also accompanied her but his statement has not been recorded. This itself falsifies the entire prosecution. The prosecution has not come with clean hands.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. The petitioner along with other co-accused namely Chunu Manjhi are alleged to have committed rape upon the victim. The medical examination report also shows that allegation of rape cannot be ruled out. The bail application of other co-accused namely Chunu Manjhi was also rejected by a Coordinate Bench of this Court.

Considering the same, I am not inclined to grant bail to the petitioner. The same is rejected. The Trial Court is directed to conclude the trial at the earliest preferably within a period of nine months from the date of receipt/production of a copy of this order.

(Sudhir Singh, J)

Pankaj/-

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