

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78831 of 2019

Arising Out of PS. Case No.-336 Year-2019 Thana- DARIYAPUR District- Saran

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UMESH RAI Son of Baleshwar Rai Resident of Village - Barwe, P.S.-
Dariyapur, Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Najmul Hoda
For the State	:	Mr.Raj Ballabh Singh
For the Informant	:	Mr. Krishna Kumar Yadav

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 23-06-2020 Heard the learned counsel for the petitioner, the
learned APP and the learned counsel for the informant.

The matter has been taken up through video
conferencing.

The petitioner seeks bail in Dariyapur P.S. case No.
336/2019 registered u/s 341, 323, 376, 504, 506/34 of the IPC,
u/s 4/6 of POCSO Act and u/s 66 (b)(c) of the I.T. Act.

The victim alleged that she had gone to attend the call
of nature but the petitioner, Umesh Rai, and Arjun Rai
committed rape with her one by one. They also photographed
the incident. The victim further disclosed that she disclosed her
mother about the occurrence. Her father was living in Kolkata
and, therefore, some delay was caused.



The learned counsel for the petitioner submits that the doctor did not find any sign of rape. The doctor assessed the age of victim in between 18-19 years. There is no tangible material to show that petitioner committed rape with victim. There is a dispute between the petitioner and the father of the victim for purchasing a piece of land and that is why this case has been lodged.

The learned counsel for the informant and the learned APP, however, opposed the prayer for bail and submit that petitioner has also made photograph of victim viral and this fact itself is sufficient to show that petitioner and his accomplice, Arjun Rai, committed rape with victim one by one and also photographed the incident.

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

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

The Superintendent of Police, Saran at Chapra is directed to ensure the attendance of prosecution witnesses in the trial court so that the trial must be concluded within nine



months.

Let a copy of this order be sent to the trial court and Superintendent of Police, Saran at Chapra for information and needful.

If the trial is not concluded within nine months, the petitioner may renew his prayer for bail.

(Prabhat Kumar Jha, J)

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