

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.3855 of 2020

Arising Out of PS. Case No.-214 Year-2019 Thana- BARSOI District- Katihar

MD. SALMAN, aged about 19 years, Gender-Male, son of Md. Saleem,
resident of village - Kandhela, P.S. - Barsoi, District- Katihar.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Md. Musowir, Advocate
For the Opposite Party : Mr. Ashok Kumar Singh, APP
For the Informant : Mr. Sanjiv Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

7 18-09-2020 Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the informant through
Virtual Court Proceeding.

In this case, the petitioner is seeking regular bail in
connection with Barsoi (Sudhani) P.S. Case No. 214 of 2019,
registered for the offence under Section 376/34 of the Indian
Penal Code and under Section 3 / 4 of the POSCO Act.

An F.I.R. has been lodged by the father of the
victim *inter alia* alleging that on 20.08.2019 his daughter, aged
about 13 years, had gone for natural call in bamboo orchard but
did not return. On 21.08.2019 at about 5:00 A.M. she found on
the road side in an unconscious condition, thereafter, she was
brought to the house, who disclosed that the petitioner and other



accused persons committed rape upon her and fled away.

Learned counsel for the petitioner submits that there is contradiction in the F.I.R. and the statement of the girl.

The F.I.R. has been lodged by the father of the victim whereas, the statement has been made by the victim, so little discrepancy will hardly be any matter.

Learned counsel for the petitioner further submits that the report of the doctor does not support the prosecution case but, it is a fact that the victim in her statement recorded under Section 164 of the Cr.P.C. has narrated the entire incident and was found on the road side in an unconscious condition.

Learned counsel for the petitioner also submits that taking the solemn statement of the girl then also there is no allegation against this petitioner to have committed rape upon her. However, the victim girl in her statement has categorically stated that she was taken by the petitioner on the point of knife and what has happened in unconscious condition it is very difficult to know by her.

Considering the aforesaid facts, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer of the petitioner for bail is rejected. However, the Court below is directed to expedite the trial and conclude the same at the



earliest subject to the condition that petitioner would cooperate
in early conclusion of the trial.

(Shivaji Pandey, J)

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