

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14899 of 2021

Arising Out of PS. Case No.-73 Year-2020 Thana- AMAS District- Gaya

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Dinesh Bhuiyan, S/O Raj Kumar Bhuiyan, R/O Village-Chhotka Bahera, At
Present Quarter Dampar, P.S-Amas, District-Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binod Murari Mishra, Advocate

For the Opposite Party/s : Mr.B.N. Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 05-10-2021 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Amas P.S. Case No.73 of 2020 registered for the offence punishable under Section 366(A)/34 of the Indian Penal Code, but chargesheet was submitted for the offence under Sections 366(A), 376(D)/34 of the Indian Penal Code and Section 4/6 of the POCSO Act, which is pending in the court of learned ADJ-VII-Cum-Excl. Spl. Judge (POCSO Act), Gaya.

Against the petitioner, there is an allegation that he along with co-accused has taken away the victim. The petitioner has allegedly committed forcible sexual intercourse.

Petitioner's counsel submits that it is a false case. Petitioner is in custody since 05.05.2020 and the medical evidence does not corroborate the allegation.

Learned APP has opposed the prayer for bail. It is submitted that the victim has supported the allegation against the petitioner in her statements recorded under Section 161 as



well as under Section 164 Cr.P.C. Opinion of the Doctor has been obtained three days after the alleged occurrence when she was examined where the Doctor has stated that the possibility of rape cannot be denied. Under such circumstances, having committed such offence with a minor, the petitioner cannot be allowed the privilege of bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the learned APP. Prayer for bail is rejected, for the present.

It is, however, observed that the court below should proceed in the matter expeditiously to conclude the trial without unnecessary delay and undue adjournments.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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