

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.16330 of 2021**

Arising Out of PS. Case No.-314 Year-2019 Thana- BAHADURPUR District- Patna

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SANNI KUMAR, Son of Late Murari Prasad, Resident of Village - Mohalla-
Saidpur, Nandanagar Colony, P.S.- Bahadurpur, Distt. and Town - Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar Pradhan, Advocate

For the Opposite Party/s : Mr. Narendra Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 16-08-2021 Learned counsel for the petitioner undertakes to remove

all the defects as pointed out by office within four weeks after start

of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Narendra Kumar Singh, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Special Case No. 237 of 2019 arising out of
Bahadurpur P.S. Case No. 314 of 2019 registered for the offence
punishable under Section 376/511 of the Indian Penal Code,
Sections 4/6/8 of the POCSO Act, Sections 37(b)(c) of the Bihar
Prohibition and Excise Act, 2018 and Sections 3 (1) ® (W) of the
Scheduled Castes and Scheduled Tribes Act.

As per the prosecution story, this petitioner had
allegedly committed wrong act with the grand-daughter of the

informant in drunken condition. The victim girl is said to be three years old.

Learned counsel for the petitioner submits that it is a case of false implication of the petitioner. F.I.R. was lodged on 17.11.2019 and on the same date the victim girl was examined by the Medical Officer, Gardanibah Hospital who has opined that no mark of injury could be found over any part of her body. No injury was found on her private part and no physical or pathological sign of sexual assault could be seen at the time of examination.

Learned counsel submits that there is no corroborative material on the record to support the prosecution story. The case has been lodged under Section 376/511 of the Indian Penal Code and in the nature of the allegations Section 4/6/8 of the POCSO Act would not be attracted.

On the other hand, Mr. Narendra Kumar Singh, learned A.P.P. for the State submits that the allegation against the petitioner being in drunken condition has been corroborated in his breath analyzer report. Apart from this fact the cloths which were worn by the petitioner and some other articles have been sent to the FSL for report, learned A.P.P. submits that allegation being serious in nature, the petitioner does not deserve privilege of bail at this stage.

Considering the facts and circumstances of the case, the

submission of learned counsel for the petitioner and learned A.P.P. for the State and the trial court's report in which it has transpired that the charge has been framed against the petitioner and summon has been issued against the chargesheet witnesses, this Court having noticed that one of the witnesses in the case would be a three years old child, is not inclined to release the petitioner on bail at this stage.

Let the prosecution witnesses be examined in course of trial.

The learned trial court shall fix the records on day to day basis and shall conclude the trial preferably within a period of nine months from the date of start of physical functioning of the court.

After conclusion of the prosecution evidence, if so, advised in the nature of the materials which may come, the petitioner may renew his prayer for bail.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.