

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20639 of 2021

Arising Out of PS. Case No.-34 Year-2019 Thana- MAHILA P.S. District- Rohtas

=====

Baijnath Prasad @ Baidyanath Prasad @ Vaidyanath S/O Jawahar Prasad R/O
Village- Dharihat, Ward No.3, P.S.-Darihat, District- Rohtas, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Singh, Adv.

For the Opposite Party/s : Mr. Madan Kumar Yadav, APP

=====

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 16-11-2021

Heard learned counsel for the parties.

The petitioner has renewed his prayer in a case registered under sections 376, 341, 323, 354 and 34 of the Indian Penal Code and sections 4, 8 and 12 of the POCSO Act

As per the prosecution case, the petitioner is alleged to have committed rape on the minor informant.

It is submitted by learned counsel for the petitioner that the earlier application of the petitioner was rejected vide order dated 11.12.2019 passed in Cr.Misc. no.56507 of 2019. On merits, it is submitted that the petitioner has been falsely implicated in the case which would be evident from the fact that the informant refused to get herself medically examined. Even her clothes etc. were not sent for forensic examination and the informant did not name the petitioner in her statement under



section 164 Cr.P.C. The petitioner is in custody since 26.4.2019 and there is no chance of the trial concluding in the near future.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the allegation against the petitioner, the report received from learned Court below from which it transpires that charge has been framed on 16.9.2021, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Liberty is granted to the petitioner to renew his prayer for bail after examination of the minor informant in course of the trial.

(Partha Sarthy, J)

Bibhash/-

U			
---	--	--	--

