

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23324 of 2021

Arising Out of PS. Case No.-246 Year-2020 Thana- CHENARI District- Rohtas

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Bimal Ram @ Vimal Ram, Son of Late Bishwanath Ram, Resident of Village
- Naraina , P.S.- Chenari, Distt.- Rohtas. Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr.Vikram Deo Singh, Advocate
Mr. Shankar Kumar, Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal, A.P.P.
For the Informant : Mr. Om Prakash Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 30-09-2021 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, learned
counsel for the informant and Mr. Akhileshwar Dayal, learned
A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with POCSO Case No. 78 of 2020 arising out of
Chenari P.S. Case No. 246 of 2020 registered for the offence
punishable under Section 376, 511 of the Indian Penal Code
and Section 8, 12 of POCSO Act. He is in custody since
20.12.2020. The petitioner has otherwise no criminal
antecedent.

Learned counsel for the petitioner submits that as per
the prosecution story when the informant had gone to meet the



call of nature outside her house, in the meantime, this petitioner covering his face reached there and forcibly dragged her and tried to take her somewhere else. It is alleged that when the victim objected to the act of the petitioner she was threatened on the strength of a revolver and thereafter when the petitioner was trying to pull her clothes and started molesting her, the informant pulled down the clothes which was on the face of the petitioner and identified him. It is alleged that when she resisted and raised a voice the petitioner fled away and could not commit rape.

Learned counsel for the petitioner submits that this petitioner is aged about 55 years and he has been falsely implicated because he was objecting to the informant cutting the grass in the field of the petitioner. It is submitted that in any case there is no allegation of commission of rape and the Police has submitted chargesheet under Section 8 of the POCSO Act. The petitioner is said to have remained in custody since 20.12.2020.

On the other hand, learned counsel for the informant as well as Mr. Akhileshwar Dayal, learned A.P.P. for the State have opposed the prayer for regular bail of the petitioner. It is submitted that although the allegation is of an attempt to commit rape and sexual assault, the petitioner has been identified by the



victim girl and in the case diary two independent witnesses have stated that they had seen the petitioner fleeing away from the alleged place of occurrence.

Considering the facts and circumstances of the case and the submissions, though, the petitioner has remained in jail in connection with the present case for about nine months but the trial is still not concluded and the victim has not been examined so far, this Court is not inclined to release the petitioner on bail at this stage.

Let the trial court proceed with the trial as early as possible and all endeavours be made to record the statement of the victim, however, if the trial is not concluded within a period of six months from the date of communication of this order and/or the statement of the victim is recorded, if the petitioner so advised, may renew his prayer for bail.

The application stands disposed of accordingly.

(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'.

