

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30388 of 2020

Arising Out of PS. Case No.-11 Year-2020 Thana- MAHILA P.S. District- Sheikhpura

Sharwan Paswan S/O Late Bhola Paswan Resident of Village - Panapur, P.S. -
Korma, District - Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Bhola Prasad, Adv.
For the Opposite Party/s	:	Mr.Ram Sumiran Roy APP
For the Informant	:	Mr. Bipin Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 25-01-2021 Heard learned counsel for the petitioner, learned APP for the State and counsel for the informant.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon

The petitioner seeks bail in Sheikhpura PS Case No. 7 of 2020 instituted for the offence under Section(s) 376D/34 of the Indian Penal Code and Section 4/8 of the POCSO Act.

While the informant was on her way, it is alleged that the petitioner along with others have forcibly taken her away to the mustard field where they have committed the heinous offence.

Learned counsel for the petitioner submits that there appears to be a contradiction in the statement of the victim recorded under Section 164 Cr P C with that she has stated in the FIR to the extent that the statement was recorded in the police station whereas later on she has stated that it was recorded at her 'Darwaja'.



Learned counsel for the informant as well as learned counsel for the State have opposed the prayer for bail. It is submitted that such meticulous examination of the statements, at the stage of consideration for bail, may not be permitted. Further, it is submitted that the statement of the victim recorded U/s 164 Cr PC substantially supports the allegations in the FIR. The Medical Report Annexure 2 series of the application is supportive of the prosecution case, of gang rape.

Considering the rival submissions, this Court is not inclined to grant bail to the petitioner.

Prayer for bail is rejected.

The Trial Court is, however, directed to expedite the trial without any unnecessary adjournment/delay and expeditiously.

(Madhuresh Prasad, J)

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