

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31082 of 2020

Arising Out of PS. Case No.-69 Year-2020 Thana- MADHUBAN District- East Champaran

HIMANSHU SHEKHAR @ SHIVAM KUMAR Son of Sri Rajeshwar Prasad
Resident of Village- Maripur Mal, Khodapur, P.S.- Madhuban, District- East
Champaran (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Mr. Saket Tiwary, Advocate
For the Opposite Party/s	:	APP
For the Informant	:	Mr. Dhurendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 24-02-2021 Heard Mr. Yogesh Chandra Verma, learned senior
counsel for the petitioner, learned A.P.P. and the learned counsel
for the informant.

The petitioner seeks bail in Madhuban P.S. Case
No.69 of 2020 registered under Sections 376D and 34 of the
Indian Penal Code and under Sections 3 and 4 of the POCSO
Act.

The informant, mother of the victim, alleged that her
younger daughter informed her that her elder daughter was not
present in her house. On search, she was found lying in the field
and the petitioner and Sonu Kumar were found fleeing from the
place of occurrence. The victim was lying unconscious. When



the victim got consciousness, she disclosed that petitioner and another accused committed rape with her one by one at the point of knife.

Mr. Yogesh Chandra Verma, the learned senior counsel for the petitioner submits that prosecution story as disclosed by the informant does not inspire confidence and submits that both the sisters were sleeping together. The elder sister left the house and on search, she was found lying in the field. The victim made her statement under Section 164 Cr.P.C. The doctor also examined the victim but no sign of rape was found. The petitioner is in jail for more than eleven months but the learned counsel for the informant vehemently opposed the prayer for bail and submits that victim is a minor girl aged about 15 years. She made her statement under Section 164 Cr.P.C. and she disclosed that petitioner and another accused at the point of knife committed rape with her one by one and this fact was corroborated by the doctor.

Having considered the submissions of both sides, I find that victim herself disclosed that the petitioner and his friend committed rape with her one by one and she was lying unconscious in the field, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.



The trial court is directed to hold the trial on day to day basis and conclude the same within six months from the date of receipt of this order.

S.P., Motihari is directed to ensure the attendance of the witnesses so that the trial must be concluded within six months from the date of receipt of this order.

Let a copy of this order be sent to the trial court as well as S.P., Motihari for information and needful.

If the trial is not concluded within six months, the petitioner may renew his prayer for bail.

(Prabhat Kumar Jha, J)

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