

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31439 of 2020**

Arising Out of PS. Case No.-22 Year-2020 Thana- MAHILA PS District- Darbhanga

KEDAR SAHANI Son of Raja Sahani @ Rajawa Resident of Village- Goura,
P.S.- Simari, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tej Pratap Singh
For the Opposite Party/s : APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER**

3 05-01-2021 Heard both sides.

The petitioner seeks bail in Mahila P.S. Case No.22 of 2020 registered under Sections 376, 323, 504, 506 and 34 of the Indian Penal Code and under Sections 4 and 6 of the POCSO Act.

The informant, mother of the victim, alleged that she found the abnormal enlargement of abdomen of her minor daughter and on inquiry, her minor daughter disclosed that the petitioner committed rape with her and she was pregnant for about five months.

The learned counsel for the petitioner submits that F.I.R. was lodged after five months of the occurrence. The victim did not raise any objection. The victim was a consenting party. The doctor assessed the age of the victim between 16-17



years. If the upper side of estimation is taken, the victim appears to be major but it appears that victim is a minor girl and on account of sexual assault made by the petitioner, she was pregnant.

Having considered the facts aforesaid and nature of allegation made against the petitioner, 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 nine months from the date of receipt of this order.

The S.P., Darbhanga is directed to ensure the attendance of the witnesses in the trial court so that the trial must be concluded within nine months.

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

(Prabhat Kumar Jha, J)

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