

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35311 of 2020

Arising Out of PS. Case No.-297 Year-2018 Thana- MADHEPURA District- Madhepura

Raushan Kumar Son of Naresh Paswan Resident of Village-Azad Nagar,
Ward No. 07, P.S. Madhepura, District-Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Shilpi Keshri, Advocate

For the Opposite Party/s : Mr. Mukeshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 09-02-2021 Heard Ms. Shilpi Keshri, learned counsel for the

petitioner and Mr. Mukeshwar Dayal, learned Additional Public

Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with
Madhepura P.S. Case No. 297 of 2018 registered for the
offences punishable under Sections 366(A)/34, 120(B), 376 of
the Indian Penal Code 1860 and Section 4 of POCSO Act.

The allegation against the petitioner as per the First
Information Report is that he forcibly abducted the minor
daughter of the informant and committed rape upon her.

Learned counsel for the petitioner submits that the
petitioner has not committed any offence in the manner alleged
and he has falsely been implicated in this case due to oblique
motive inasmuch as there was love affair between the petitioner



and the victim girl. Learned counsel further submits that the First Information Report has been lodged after five days of the alleged occurrence. Learned counsel also submits that the victim girl was examined medically, but no sign of rape was found upon her.

On the other hand, learned counsel for the State referring to the case diary submits that the victim girl in her statement recorded under Section 164 Cr. P.C. has clearly stated that the petitioner had forcibly kidnapped her and after administering intoxicant the petitioner committed rape upon her.

This Court vide order dated 05.01.2021 had called for a report from the court below regarding stage of the trial and in pursuance thereof, the learned court below has furnished the report vide letter No. 2 dated 12.01.2021 and from perusal of the same, it would be evident that two more witnesses are yet to be examined and trial is likely to be concluded within three months.

Having regard to the submissions made by the parties and from perusal of the impugned order, it appears that the evidence of prosecution witnesses is being recorded and the informant who is father of the victim and the victim herself



along with four other witnesses have already been examined in this case and the victim and informant have supported the prosecution case, I am not inclined to grant regular bail to the petitioner at this stage.

Accordingly, the prayer for bail of the petitioner stands rejected.

However, if the trial is not concluded within a period three months, the petitioner may renew his prayer for bail thereafter.

(Anil Kumar Sinha, J)

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