

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 36932 of 2020

Arising Out of PS Case No.-221 Year-2020 Thana- GAYA KOTWALI District- Gaya

Nageshwar Prasad, aged about 72 years, (Male), Son of Late Badri Prasad,
Resident of Mohalla - Ramshila Pahar, PS-Kotwali District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. SSP Yadav, Advocate

For the State : Dr. Mrityunjaya Kumar Gautam, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 03-03-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. SSP Yadav, learned counsel for the petitioner and Dr. Mrityunjaya Kumar Gautam, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner is in custody connection with POCSO Case No. 64 of 2020 arising out of Kotwali PS Case No. 221 of 2020 dated 12.06.2020, instituted under Sections 376-B of the Indian Penal Code; 6 of the Protection of Children from Sexual Offences Act, 2012, read with 3(w) (i) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

4. The allegation against the petitioner is of committing rape on the seven years old daughter of the informant.



5. Learned counsel for the petitioner submitted that he is innocent being aged 72 years. It was further submitted that the version of the girl is tutored and that there is dispute with regard to flow of water between the parties who are neighbours. Learned counsel submitted that the petitioner is in custody since 14.06.2020.

6. Learned APP, from the case diary, submitted that witnesses have supported the prosecution story and most importantly, the daughter-in-law of the petitioner herself has corroborated what has been stated in the FIR and the statement of the victim girl before the Court under Section 164 of the Code of Criminal Procedure, 1973.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant bail to the petitioner.

8. Accordingly, the application stands dismissed.

9. However, the Court below shall expedite the trial and conclude it, preferably within six months.

(Ahsanuddin Amanullah, J.)

P. Kumar

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