

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6058 of 2021**

Arising Out of PS. Case No.-154 Year-2019 Thana- CHHATAPUR District- Supaul

SANJIT KUMAR Son of Bisnudev Tatma @ Vishnudeo Tatma @ Kishundev Das Resident of Village- Katahi, WArD No. -5, P.S. - Chhatapur, District - Supaul.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kuldeep Kumar
For the Opposite Party/s : Mr.Kr. Virendra Nrain

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 16-04-2021 Heard learned counsel for the petitioner and learned A.P.P. for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Chhatapur P.S. Case No.154/2019, corresponding to POCSO Case No.- 31/2019 registered for the offence punishable under Section 376 of the Indian Penal Code and sections 4/6 of POCSO Act.

The allegation against the petitioner is that he has raped



the minor sister of the informant who used to take tuition from the petitioner.

It is submitted by learned counsel for the petitioner that petitioner is innocent and has committed no offence as alleged in the FIR. He has been falsely implicated in this case by the informant with collusion of the co-villagers. He has been implicated in this case merely on suspicion. As per the medical report, doctors have opined that no spermatozoa found either living or dead. Chargesheet has been submitted against the petitioner. The petitioner has no criminal antecedent and has been languishing in custody since 17.06.2019.

Learned APP for the State opposed the bail petition on the ground that earlier the bail application of the petitioner was rejected on merit vide order dated 20.12.2019 passed in Cr. Misc. No.70740 of 2019 as the girl in her statement u/s 164 Cr.PC. has specifically named the petitioner as the person, who committed rape upon her. Further no fresh ground is taken by the petitioner in this application.

Considering that there is a specific allegation against the petitioner and no fresh ground is taken, I am not inclined to enlarge the petitioner on bail.

Accordingly, the prayer for bail of the petitioner is



hereby rejected.

However, the learned trial court is directed to expedite
the trial.

(Anjani Kumar Sharan, J)

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