

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3990 of 2022

Arising Out of PS. Case No.-214 Year-2019 Thana- BIHTA District- Patna

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Amit Kumar S/O Awadhesh Kumar Singh @ Awadhesh Singh R/O Village-
Bisharpur, P.S.- Naubatpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Siddharth Harsh, Advocate
	:	Mr. Mukesh Kumar, Advocate
For the State	:	Mr. Anil Kumar Singh No.1, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 14-11-2022 At the outset, learned counsel for the petitioner submitted that in paragraph no.3, at page no.3, of the bail petition, inadvertently, period of custody has been wrongly typed as '23.02.2019' instead of '21.02.2019'.

Accordingly, learned counsel for the petitioner is directed to make necessary correction during the course of the day itself.

Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period



of four weeks from today.

The petitioner seeks bail in connection with Bihta P.S. Case No. 214 of 2019 registered for the offence under Section 376(2)(F) of the Indian Penal Code and Section 4 of the POCSO Act.

The accused/petitioner is named in the F.I.R. and is in custody since 21.02.2019.

The allegation against the petitioner is to commit rape/penetrative sexual assault upon the minor daughter of the informant, aged about 6 years.

Learned counsel appearing on behalf of the petitioner submitted that age of the victim, as per medical report, is between 12 to 13 years, contradicting the age, as stated in the F.I.R. by the informant, regarding the victim. It is submitted that the implication is false due to local disputes and differences, where it is admitted that petitioner was the teacher of the victim. It is further submitted that tutoring of minor victim for the purpose of false implication cannot be ruled out in the present case. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with



the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, submitted that victim, specifically, supported the allegation of rape/penetrative sexual assault against the petitioner, while recording her statement u/s 164 of the Cr.P.C., where petitioner was the teacher of the minor victim. It is further submitted that medical report also suggest rape/penetrative sexual assault upon the victim.

In view of the facts and circumstances, as mentioned above, and by taking note of statement of the victim, as recorded u/s 164 of the Cr.P.C., where she specifically alleged the commission of rape/penetrative sexual assault by this petitioner, which is further in corroboration with the medical report, this Court is not inclined to grant bail to the petitioner.

Accordingly, prayer of bail of the petitioner is rejected herewith.

However, learned Trial Court/Special Court is directed to conclude the trial by taking the matter on board, on day to day basis, if required, within specified period of time, as prescribed u/s 35(2) of the POCSO Act, 2012.

Senior Superintendent of Police, Patna is directed to produce the chargesheeted witnesses, as and when directed by



the learned Trial Court, so as to conclude the trial within the specified period of time, as prescribed under the law, as directed above.

(Chandra Shekhar Jha, J)

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