

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3577 of 2022

Arising Out of PS. Case No.-75 Year-2021 Thana- MAHILA P.S BAGHA District- West
Champanan

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Ravi Prakash, Son of Rudal Sharma Resident of Village – Mehura, Ward M 3,
P.S.- Bagaha and Distt.- West Champanan.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mrs. Sharda Devi, W/o Vinod Sharma, Village – Mehura, P.S.-Bagaha,
District – West Champanan.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Madan Mohan, Advocate.
For the Informant : Mr. Rahul Raj, Advocate.
For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 29-08-2022 Heard Mr. Madan Mohan, learned counsel appearing

on behalf of the petitioner, Mr. Rahul Raj, learned counsel for
the informant and Mr. Syed Ehteshamuddin, learned A.P.P. for
the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

Let the supplementary affidavit filed on behalf of the
petitioner be kept on the record.

The petitioner seeks regular bail in connection with
Bagaha Mahila P.S. Case No. 75 of 2021 for the offence
punishable under Sections 341, 323, 342 and 376(AB) of the
Indian Penal Code and Section 4 of the Protection of Children
from Sexual Offenses Act, 2012 (hereinafter referred to as “The



Act”).

Prosecution story, in brief, is that a written complained was filed by the informant, who is the mother of the victim, that her seven years old girl child was forcibly taken by the accused and he tried to disrobe her. The victim started crying and on hearing, her elder sister came and seeing her, the accused fled away from the place of occurrence.

Mr. Madan Mohan, learned counsel appearing on behalf of the petitioner submitted that the entire prosecution story is concocted and on the basis of incorrect and frivolous statement, the petitioner has been dragged in the present case which is not sustainable. If the statement of the victim recorded under Section 164 Cr.P.C. is taken into account, no case is made out under Section 4 of the Act. As per the F.I.R. and the statement made by the victim under Section 164 Cr.P.C., the allegations are such, at best, the accused can be implicated under Section 11 of the Act. He further submitted that in course of trial, almost all the witnesses including the informant have become hostile. Petitioner has clean antecedent and is in custody since 23.10.2021. On these grounds, he seeks to be released on bail.

Mr. Rahul Raj, learned counsel appearing on behalf of



the informant submitted that even though there is no ingredients of Section 4 of the Act, but from perusal of the statement of the victim under Section 164 Cr.P.C., it appears that the statement is enough to implicate the petitioner for the alleged offence committed against a child aged about 7 years and as such, the petitioner don't deserve to be released on bail.

Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

Having heard the rival submissions of the parties and taking into consideration the fact that almost all the witnesses including the informant have turned hostile, the Court below is directed to conclude the trial expeditiously in terms of the provisions of the Act well within a reasonable period of time as per the provisions of the Act.

If the trial is not concluded as per the provisions of the Act within time, the petitioner will be at liberty to renew his prayer for bail.

Present bail application is disposed off with above observation.

(Purnendu Singh, J)

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