

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5589 of 2022

Arising Out of PS. Case No.-286 Year-2021 Thana- LAUKAHA District- Madhubani

Ram Babu Prasad @ Ram Babu Prasad Sah Son of Late Badri Sah R/O
Village- Brahamotra, P.S.- Laukaha, Dist.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kumar Mritunjay, Advocate
For the State	:	Ms. Usha Kumari 1, APP
For the Informant	:	Mr. Rana B.N. Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 19-09-2022 Heard learned counsel appearing on behalf of the
petitioner, learned APP appearing on behalf of the State and
learned counsel appearing on behalf of the informant.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Laukaha
P.S. Case No. 286 of 2021 registered for the offence under
Section 376 of the Indian Penal Code, Sections 4 and 6 of the
POCSO Act and Section 3(2)(v) of the SC/ST Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 06.09.2021.

The allegation against the petitioner is to commit
rape/penetrative sexual assault upon the informant/victim, aged
about 12 years.



Learned counsel appearing on behalf of the petitioner submitted that the medical report is not in corroboration with allegations, as raised through the present F.I.R. It is further submitted that if the version of F.I.R. is taken into consideration, then certainly there must be some blood stained cloth but the same is not available on record, which falsify the entire allegation on its face. It is further submitted that, as per medical report, no external or internal injury was found upon the victim. 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 duly assisted by learned counsel for the informant, while opposing the prayer of bail, submitted that victim is minor, as per school certificate and also as per medical report. Learned counsel for the informant submitted that petitioner is a local quack and when victim approached him in connection with her treatment, she was raped upon. It is further submitted that medical examination was conducted on the very same day, where hymen was found ruptured and glones stained with blood was also noticed. It is also submitted that victim specifically supported the allegation of rape against this



petitioner, while recording her statement u/s 164 of the Cr.P.C.

In view of the facts and circumstances, as victim, specifically, alleged against this petitioner to commit rape upon her through her statement recorded u/s 164 of the Cr.P.C., which is also supported by medical evidence conducted on same day, this Court is not inclined to grant bail to the petitioner.

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

Learned Trial Court is directed to conclude the trial within the time period as prescribed u/s 35(2) of the POCSO Act, by taking the matter on board on day to day basis, for expeditious disposal of trial.

Superintendent of Police, Madhubani is directed to produce the chargesheeted witnesses, as and when directed by the Trial Court, so as to conclude the trial within the time period, as prescribed under the law, as directed above.

(Chandra Shekhar Jha, J)

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