

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6189 of 2022

Arising Out of PS. Case No.-42 Year-2020 Thana- KHAIRA District- Jamui

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Jitender Kumar, Son of Prakash Yadav, Resident of Village- Losidhami, P.s.-
Sikandra, Dist- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Nishant Kumar Sinha, Advocate
		Mr. Abur Bakar, Advocate
		Mr. Arvind Kumar, Advocate
For the Opposite Party/s :		Mr. Binay Krishna, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 07-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect (s), if any, as pointed out by the
office, be removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Khaira P.S. Case No. 42 of 2020 registered for
the alleged offences under Sections 323, 341, 376, 504 and 506
of the Indian Penal Code and under Section 4 of the POCSO Act
and under Sections 3(i)(r) of SC/ST Act.

As per prosecution case, allegation against the
petitioner is that he committed rape with the minor informant
belonging to a Scheduled Tribe community. Further allegation
against the petitioner is that he had been keeping the informant

and his family members hostage at the brick kiln where he used to work as *munshi*.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. The occurrence took place on 02.04.2020 whereas the case was instituted on 04.04.2020. The prosecution story as made out in the F.I.R. is not believable that a person would take out a girl outside for doing some wrongful act in an open. The petitioner being *munshi* of brick kiln took control of the mobile phones of the workers during the working period for smooth functioning of the work and this act of the petitioner annoyed the informant and other co-workers and as a revenge, she implicated the petitioner in this case. The medical report of the victim does not corroborate the allegation as no spermatozoa was found in body. The petitioner is in custody since 06.02.2020. Learned counsel further submits that the trial has not proceeded in this case and none of the witnesses have been examined since framing of the charge. There is no likelihood of early conclusion of the trial.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner submitting that the petitioner taking advantage of his position committed rape with the informant and also confined his family members and kept them

hostage.

Perused the records.

Having regard to the facts and circumstances and considering the serious nature of allegation against the petitioner, I am not inclined to enlarge the petitioner on bail at this stage and hence, his prayer for grant of bail is rejected.

However, learned trial court is directed to expedite the trial and conclude the same at the earliest keeping in mind the mandate of the POCSO Act.

(Arun Kumar Jha, J)

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