

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6593 of 2022

Arising Out of PS. Case No.-84 Year-2021 Thana- CHORAUT District- Sitamarhi

Gulab Sah Son of Late Jugeshwar Sah R/O Village- Choraut, P.S.- Choraut,
District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vaidehi Raman Prasad Singh, Advocate
For the Opposite Party/s : Mr.Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 27-09-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel 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 Choraut
P.S. Case No. 84 of 2021 registered for the offence under
Sections 420, 376 and 34 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 10.09.2021.

The allegation against the petitioner is to commit rape
upon informant/victim, who is minor.

Learned counsel appearing on behalf of the petitioner
submitted that petitioner has falsely been implicated in this case



and same is evident from that fact that the present FIR was lodged after one month of alleged occurrence without any just explanation. It is submitted that family of the petitioner was in inimical terms with the family of the victim/informant and same get it strength as one Informatory Petition No. 105 of 2021 under Section 39 of the Cr.P.C. was filed by the petitioner on 22.07.2021, before the learned Sub Divisional Judicial Magistrate, Pupri, and also one Complaint Case was lodged by the wife of the petitioner against father of the victim/informant, which has been registered as 115 of 2021, before Court of learned Sub Divisional Judicial Magistrate, Pupri. It is further submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete, for which, charge-sheet 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 alleged this petitioner to commit rape upon her and same was duly supported through her statement, as recorded under Section 164 of the Cr.P.C. It is further submitted that cause of delay is well explained in FIR itself, as matter was hanging between police station to that of local panchayti.



Considering the facts and circumstances as mentioned above, as victim/informant specifically alleged this petitioner to commit rape upon her through her statement, as recorded under Section 164 of the Cr.P.C., this Court is not inclined to grant privilege of bail to the petitioner, at present.

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

The Trial Court/Special Court is directed to proceed with the matter, by taking it on board, on day-to-day basis, so as trial may conclude within specified time as prescribed under Section 35(2) of the POCSO Act, 2012.

The Superintendent of Police, Sitamarhi, is directed to produce the charge-sheeted witnesses, as and when directed by the Trial Court/Special Court, for expeditious disposal of trial, within specified time, as prescribed under the law, as mentioned above.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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