

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7155 of 2022

Arising Out of PS. Case No.-379 Year-2021 Thana- DIGHA District- Patna

SONU KUMAR Son of Kameshwer Yadav @ kameshwer Rai @ Nageshwer Rai Resident of New Gosai Tola, Near D.A.V. School, Gola Road, Police Station- Danapur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratnakar Pandey, Advocate

For the Opposite Party/s : Mr.Anant Kumar I, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 20-12-2022 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 Digha P.S. Case No. 379 of 2021 registered for the offence under Section 376 of the Indian Penal Code and Sections 4,6,8 of POCSO Act.

The accused/petitioner is named in the F.I.R. and is in custody since 14.07.2021.

The allegation against the petitioner is to commit rape/penetrative sexual assault upon informant/victim, aged about 14 years.



Learned counsel appearing on behalf of the petitioner submitted that as petitioner asked to return Rs. 10,000/-, which was advanced by him to the informant for purchasing a mobile phone, was falsely implicated in the present case. It is submitted that injury report is also not supporting the allegation of rape/penetrative sexual assault, as no injuries were noticed upon victim in the support of allegation. While concluding the argument, it is submitted that 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/penetrative sexual assault upon her, while recording statement under Section 164 of the Cr.P.C.

In view of the facts and circumstances, as mentioned above, as victim specifically alleged this petitioner to commit rape/penetrative sexual assault upon her, this Court is not inclined to grant bail to the petitioner, at present.

However, learned Trial 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.

Senior Superintendent of Police, Patna is directed to produce all the chargesheeted witnesses, as and when directed by the learned Trial Court, so as to conclude the trial within the specified time period, as mentioned under the law.

Let a copy of this order be communicated to S.S.P., Patna, for its compliance.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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