

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9626 of 2022

Arising Out of PS. Case No.-67 Year-2021 Thana- CHACKMEHSI District- Samastipur

Chandan Kumar Son of Jivan Baitha R/o Village- Jagdish Paran, P.S.-
Chakmehsi, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy

For the Opposite Party/s : Mr. Anil Kumar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

5 13-12-2022 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with
Chakmeshi P.S. No. 67 of 2021, registered for the offences
punishable under Section 376 of the Indian Penal Code and
3 / 4 of the POCSO (Protection Of Children From Of Sexual Offences)
Act, 2012.

The prosecution story as emerges from the FIR is
that on 05.05.2021, around 8:30 PM, accused-petitioner
called daughter of the informant and forcibly took her to the
Lichi Orchard of one Madan Mohan Thakur and committed
rape upon her twice. It is also alleged that the petitioner has



threatened to kidnap and rape her again.

The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that there is delay of three days in lodging of the FIR after commission of the alleged offence. He also submits that investigation in this case is complete and charge-sheet has already been submitted.

The petitioner has been languishing in jail since 09.05.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 of the petition that the petitioner has no criminal antecedents.

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail submitting that the allegation is serious in nature, as minor girl has been ravished by the accused-petitioner. He also submits that there is statement of the victim girl under Section 164 of the Cr. P.C in support of the allegation. Even



medico-legal examination of the victim is also in support of the prosecution case.

Considering the nature of the alleged offence and material on record, I am not persuaded to enlarge the petitioner on bail at this stage.

The application stands Rejected accordingly.

However, Ld. Trial Court is requested to conclude the Trial as soon as possible without making unnecessary delay. In case Trial is not concluded within one year, the petitioner will have liberty to renew his prayer for bail.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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