

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17762 of 2022

Arising Out of PS. Case No.-76 Year-2021 Thana- BHEJA District- Madhubani

KAILASH SAW @ KAILASH SAH S/o Pawan Sah @ Pawan Saw @ Pawan
Sahu R/o village- Parwalpur, P.S.- Bheja, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Prakash
For the Opposite Party/s : Mr.A.G.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 23-08-2022 Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner has preferred this application for grant of regular bail in a case registered u/s 376 of the Indian Penal Code, Section 4 of the POCSO Act and Sections 3(1)(r), (1)(s), (1)(w)(i), (1)(w)(ii) and 3 (2)(v) of The Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.

As per the prosecution case, the petitioner is alleged to have committed rape on the informant aged about 12 years after assaulting and making her unconscious, when she went out of her house for call of nature at 08:30 P.M. After the incident,



she was brought to Sadar hospital, Madhubani and from there she was referred to DMCH, Darbhanga for better treatment.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner has clean antecedent as stated in para 3 of the bail petition. As per medical report, no spermatozoa was found in victim's private part. The petitioner is in custody since 25.08.2021.

Learned A.P.P. for the State has vehemently opposed the bail prayer of the petitioner by submitting that there is specific allegation against the petitioner of committing rape on the informant. As per the medical report, according to physical and pathological examination it can be concluded that there was sexual assault on the victim. The age of victim is between 15 to 16 years.

Considering the aforesaid facts and circumstances of the case as well as the specific and heinous nature of allegation against the petitioner, I am not inclined to enlarge the petitioner on bail.

Learned trial Court is directed to expedite the trial and conclude the same within nine months.

This application is rejected.

(Chandra Prakash Singh, J)

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