

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27265 of 2021

Arising Out of PS. Case No.-108 Year-2020 Thana- PALANWA District- East Champaran

SHOHRAB DEWAN Son of Hasmuddin Dewan Resident of Village - Basti
Semra, P.S. - Palanwa, District - East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

5 03-01-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under section 376 of the Indian Penal Code and section 4 of the POCSO Act.

As per the prosecution case, the petitioner is stated to have committed rape on the 14 year old minor daughter of the informant. It is further stated that inspite of giving assurance to perform nikah, the same was not done.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case which would be evident from the contents of the F.I.R. itself. The main reason for false implication is the petitioner refusing to enter



into nikah with the daughter of the informant. No occurrence as alleged has taken place. Medical report does not support the allegations in the F.I.R. There are no eye witness to the occurrence. There is an inordinate delay in lodging of the F.I.R.. The petitioner is in custody since 7.2.2021 and has no criminal antecedent. Chargesheet has been submitted in the case. It is finally submitted that as per instructions received the differences between the parties have been settled and the parties have entered into a compromise. It is submitted by learned counsel for the petitioner that the trial being POCSO Case no.25 of 2021 is proceeding in the Court of the learned 7th Additional District and Sessions Judge-cum-Special Judge, POCSO Act, Motihari, East Champaran.

The application for bail is opposed by learned A.P.P. for the State who submits that the allegation in the F.I.R. is supported by the victim in her statement under section 164 Cr.P.C..

Having heard learned counsel for the parties and taking into consideration the facts of the case, the allegation in the F.I.R. together with the contents of the statement under section 164 Cr.P.C., the Court is not inclined to enlarge the petitioner on bail and the application is rejected.



Learned trial court is directed to expedite the trial and conclude the same preferably within a period of three months from the date of communication of this order.

(Partha Sarthy, J)

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