

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27582 of 2021

Arising Out of PS. Case No.-98 Year-2019 Thana- BIRPUR District- Supaul

SUDHIR KAMAT @ SUDHIR KAMAIT @ SUDHIR KUMAR KAMAIT
S/o Mahendra Kamait R/o village- Sitapur, P.S.- Birpur, Distt.- Supaul

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Goutam, Advocate
For the Opposite Party/s : Mr. Murli Dhar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 27-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner, who is in custody since 30.04.2019, seeks
regular bail in connection with POCSO Case No. 22 of 2019
arising out of Birpur P.S. Case No. 98 of 2019 registered for
offences punishable under Sections 341, 342, 376, 120(B)/34 of
the Indian penal Code and Section 4 of the POCSO Act.

Prosecution case, in brief, is that a case was registered
under Section 341, 342, 376, 120(B)/34 of the Indian Penal
Code and Section 4 of the POCSO Act by the informant victim
girl. She stated that while she was walking out of her house, the



accused petitioner namely Sudhir Kamat along with Surendra Kamat abducted her and brought her in the house of Surendra Kamat where all other named accused persons were present and forced her to marry with the petitioner but she refused. Thereafter, she was locked in the room and the petitioner along with other accused person repeatedly raped her for four consecutive days. On 29.04.2019, she was rescued by her father.

Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and has falsely been implicated in this case. It is submitted that petitioner has no criminal antecedent. Petitioner is man of means and there is no chance of absconding or tampering with the evidence. He is in custody since 30.04.2019.

Learned A.P.P. for the State submits that the victim informant girl has supported the case in her statement before Magistrate under Section 164 Cr.P.C. that she was abducted by Sudhir Kamat and Surendra Kamat, and she was brutally raped by the petitioner for four consecutive days. As such the petitioner does not deserve to be enlarged on bail.

Considering the facts and circumstances of the case, victim informant girl has also supported the case in her statement before Magistrate under Section 164 Cr.P.C. that she



was abducted by Sudhir Kamat and Surendra Kamat, and she was brutally raped by the petitioner for four consecutive days. From the perusal of medical report, it transpires that the possibility of rape cannot be excluded. The Magistrate has adjudged the age of the victim girl as 15 years. Prima facie case under the POCSO Act is made out against the petitioner, I am not inclined to enlarge the petitioner on bail.

However, the Court below is directed to expedite the trial preferably within a period of nine months. If no substantial progress takes place in conclusion of trial, the petitioner, if so advised, may renew his prayer for grant of bail after the aforesaid period.

Accordingly, the present bail application is dismissed as rejected.

(Purnendu Singh, J)

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