

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21323 of 2022

Arising Out of PS. Case No.-274 Year-2021 Thana- AMAUR District- Purnia

Md. Sayeed Son o f Md. Taiyab R/O- Village- Mohmmadpur, P.S.- Amour,
District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Shailendra Kumar Dwivedi, Advocate
For the Opposite Party/s :	Mr. Ram Bilash Roy Raman, APP
For the Informant :	Mr. Amit Kumar Anand, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 11-10-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel 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 Amaur
P.S. Case No. 274 of 2021 registered for the offence under
Sections 376, 323, 504 and 201 of the Indian Penal Code and
under Sections 4, 6 and 8 of the POCSO Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 15.02.2022.

The allegation against the petitioner is to commit rape
upon complainant/informant aged about 16 years.

Learned counsel appearing on behalf of the petitioner



submitted that present F.I.R. was lodged after delay of five months without any just explanation. It is also submitted that there is no sign of injury upon body of victim suggesting the allegation of rape. It is further pointed out that to create pressure for marriage the present false case has been lodged against this petitioner. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel, Shri Amit Kumar Anand, appearing on behalf of the informant, while opposing the prayer of bail, submitted that victim is specifically alleged this petitioner to commit rape upon her, while she was working in field through her statement recorded under Section 164 of the Cr.P.C. It is further submitted that non-finding of injury, as per medical report does not lead to conclusion, *ipso facto*, that rape was not committed upon for the reason that rape is legal finding not medical. It is further pointed out that delay to lodge F.I.R. is duly explained through complaint petition itself, as same was caused by the father of petitioner on one and other false pretext of panchayati/compromise.

Considering the facts and circumstances as mentioned



above, as informant/victim specifically alleged this petitioner to commit rape upon her, through her statement recorded under Section 164 of the Cr.P.C., where delay to lodge F.I.R. appears explained, this Court is not inclined to grant bail to the petitioner, at present.

Accordingly, prayer of bail of the petitioner is rejected herewith.

The learned Trial Court is directed to proceed with the matter, by taking it on board, on daily basis, so as trial may conclude within specified time as prescribed under Section 35(2) of the POCSO Act, 2012.

Superintendent of Police, Purnea is directed to produced the charge-sheeted witnesses, as and when directed by the learned Trial Court/Special Court, for expeditious disposal of trial, within specified time, as provided under law, mentioned above.

(Chandra Shekhar Jha, J)

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