

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21311 of 2022

Arising Out of PS. Case No.-180 Year-2021 Thana- NASRIGANJ District- Rohtas

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Krishna Saw @ Madhesi @ Krishna Sah Son of Late Bhagwan Saw @
Bhagwan Sah Resident of Village - Jamalpur, Police Station - Nasriganj,
District - Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghunandan Kumar Singh, Advocate
For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-09-2022 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State

through virtual Court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Nasriganj P.S. Case No. 180 of 2021 registered for the offence
under Sections 376 and 511 of the Indian Penal Code in which
vide order dated 13.12.2021 added Section 376(AB) of the
Indian Penal Code and Sections 8 and 12 of the Protection of
Children from Sexual Offences Act (POCSO).

The accused/petitioner is named in the F.I.R. and is
in custody since 21.10.2021.

The allegation against the petitioner is to commit



rape/penetrative sexual assault upon the daughter of the informant, who is aged about 11 years.

Learned counsel appearing on behalf of the petitioner submitted that due to local disputes, petitioner has been falsely implicated in the present case. It is submitted that as petitioner complained to the informant and her family members about grazing of his field by their buffalo, the present false case has been lodged. It is further submitted that petitioner is about 70 years and there is no occasion to involve in such type of offence. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that offence alleged is very heinous in nature, where chargesheet has been submitted under Section 376(AB) and also under Section 4 of the POCSO Act. It is also submitted that victim, duly supported the allegations against this petitioner through her statement, as recorded under Section 161 and also under Section 164 of the Cr.P.C. It is further submitted that on medical examination, the hymen



of victim was found ruptured, which further corroborate the allegations.

In view of the facts and circumstances, as mentioned above, as victim, specifically, alleged the petitioner, regarding rape/penetrative sexual assault upon her through her statement recorded u/s 164 of the Cr.P.C., which is also in corroboration with the medical report, this Court is not inclined to grant bail to the petitioner.

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

The Trial Court is directed to conclude the trial within the period, as specified u/s 35(2) of the POCSO Act, 2012.

Superintendent of Police, Rohtas is directed to produce the chargesheeted witnesses, as and when directed by the Trial Court, so as to conclude the trial within specified time period provided under the law, as mentioned above.

(Chandra Shekhar Jha, J)

Ankit/-
Archana/-

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