

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25039 of 2022

Arising Out of PS. Case No.-135 Year-2019 Thana- MAJHAULIA District- West Champaran

SUNIL KUMAR S/o Yogendra Prasad Resident of Village- Karmawa, Police
Station- Majhauria, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brajkishore Mishra

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam, APP

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

ORAL ORDER

2 24-08-2022 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 APP for the State.

The petitioner has preferred this application for grant of regular bail in a case registered u/s 376, 511 read with 34 of the Indian Penal Code and sections 7, 8, 18 of the POCSO Act.

Allegation against the petitioner is of outraging modesty of the victim aged about 7 years old in the maize field after providing chocolate to her. The petitioner also unbutton her selex.

Learned counsel for the petitioner has submitted that the petitioner is innocent and he has falsely been implicated in this case due to village politics. The petitioner has no criminal antecedent as



stated in para 3 of the bail petition. The petitioner is in custody since 08.02.2022. Learned counsel for the petitioner has further submitted that the doctor has found no injury in any part of the body nor spermatozoa in the vaginal swab.

Learned A.P.P. for the State has opposed the bail petition of the petitioner by submitting that hymen was found reaptured. The victim was examined by the doctor after 48 hours of the occurrence. Hence missing of spermatozoa for any other reason cannot be ruled out at this stage. The victim has supported the allegation of rape committed by the petitioner in her statement recorded under section 164 Cr.P.C.

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 grant regular bail to the petitioner. Therefore, the prayer for bail of this petitioner is rejected.

The trial Court is directed to expedite the trial and conclude the same preferably within a period of six months.

(Chandra Prakash Singh, J)

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