

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41179 of 2021

Arising Out of PS. Case No.-158 Year-2019 Thana- BYPASS District- Patna

AJIT KUMAR Son of Ravindra Singh Resident of Village- Marcha, Patna
City, P.O.- Marchi, P.S.- Bypass, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

.. .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar, Advocate

For the Opposite Party/s : Mr.Binay Krishna, SPP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 01-08-2022 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 Bypass
P.S. Case No. 158 of 2019 registered for the offence under
Sections 376, 323, 341, 324, 504, 506 and 34 of the Indian
Penal Code and Sections 4 and 8 of the POCSO Act and Section
3(2)(v) of the SC/ST Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 26.06.2019.

The allegation against the petitioner is to commit
rape/penetrative sexual assault upon the minor daughter of the
informant.

Learned counsel appearing on behalf of the petitioner



submitted that implication of this petitioner is false, in the background of land dispute pending between the parties since 1983, but fairly conceded that at the time of occurrence, no litigation was pending thereof. It is submitted that it appears from medical report and FSL report of the victim girl, the maximum offences which is being made on its face is of non-penetrative sexual assault under POCSO Act, for which, maximum punishment is of three (3) years. It is also submitted that petitioner is a man of clean antecedent and moreover, investigation in this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that occurrence of brutal rape/penetrative sexual assault against the petitioner, the victim was 12 years of minor at the time of occurrence. It is submitted that victim girl received several bodily injuries as upon her lower lips as per medical report and blood stained clothes were also recovered, as per seizure list. It is also submitted that minor victim girl specifically stated in her statement recorded under Section 164 of Cr.P.C., as regard to penetrative sexual assault/ rape committed upon her, by the petitioner.



Considering the facts and circumstances as mentioned above, as there is specific allegations against the petitioner to commit penetrative sexual assault/ rape upon the victim minor girl, duly supported by her statement recorded under Section 164 of Cr.P.C., this Court is not inclined to grant privilege of bail to the petitioner at present.

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

Trial Court is directed to conclude the trial, preferably, within a period of 6 (six) months from the date of receipt of this order, by taking this case on board on day-to-day basis.

The Superintendent of Police, Patna, is directed to produce the charge-sheeted witnesses, as and when directed by the trial Court, to conclude the trial within the stipulated period, as above.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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