

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56693 of 2021

Arising Out of PS. Case No.-112 Year-2021 Thana- SIKARHATTA District- Bhojpur

Hanuman Paswan @ Hunuman Paswan @ Bhuwar Paswan S/o Chanderma Paswan @ Chanderma Ram Resident of Village- Sikehrhata Khurd, P.S.- Sikarhata, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kameshwar Singh
For the Opposite Party/s : Mr. Harendra Prasad

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 19-05-2022 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in a case registered for the offences punishable under Section 376 of the Indian Penal Code and Section 6 of POCSO Act.

According to prosecution case, on the basis of written report of the victim aged about sixteen years stating therein that on 11.06.2021 she went outside the village to attend nature call where Hanuman Paswan @ Bhuwar came and caught hold her with intention to rape her. She further stated that the accused threw her out in the bamboo shrub and got opened her salwar and raped her and when she shouted then the nearby persons



came and the accused ran away and the victim-cum-informant came to home and instituted the case at police station.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and medical report does not corroborate the alleged as alleged in the F.I.R. The petitioner is in custody since 01.07.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the statement of the victim girl was recorded under Section 164 Cr.P.C. in which she has supported the allegation as alleged in the F.I.R.

Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with Sikerhata P.S. Case No. 112 of 2021 pending in the court of learned Special POCSO-cum-A.D.J.-IV, Bhojpur at Ara.

Prayer is refused.

However, the learned Trial Court is directed to expedite the trial.

(Rajesh Kumar Verma, J)

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