

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61358 of 2021

Arising Out of PS. Case No.-14 Year-2019 Thana- MAHILA P.S District- West Champaran

KUNDAN KUMAR Son of Heeralal Prasad Resident of Village - Ilamram Chowk, Ward No.- 17, Ganj No.- 1, P.S.- Bettiah Town, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Adv.

For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 10-05-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under section 376D of the Indian Penal Code and sections 4, 6 and 17 of the POCSO Act.

As per the prosecution case, the four accused persons forcibly shut the mouth of the informant with a towel and kidnapped her. She was raped in the vehicle. She further states that amongst the accused persons she identified the petitioner also.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. The medical report does not support the allegations in the F.I.R. The trial in the learned trial court has commenced and the two



witnesses examined, who happen to be the parents of the alleged victim, have turned hostile. The petitioner is in custody since 18.9.2019.

Heard learned A.P.P. for the State.

A report was called for from the learned trial court. As per the report received contained in letter dated 27.4.2022, it transpires that the victim has not been examined in the case. After taking instructions, it is submitted by learned counsel for the petitioner that now the victim has been examined.

Having heard learned counsel for the parties and taking into consideration the nature of allegation against the petitioner in the F.I.R., the trial in the learned trial court having proceeded and the victim having been examined in the learned trial court, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Learned trial court is directed to expedite the trial and conclude the same at the earliest.

(Partha Sarthy, J)

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