

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62035 of 2021**

Arising Out of PS. Case No.-115 Year-2018 Thana- KANHAULI District- Sitamarhi

Ravi Kumar, Son of Onelal Mahto @ Sonelal Mahato, Resident of Village -
Kanhauli, P.s.- Kanhauli, Dist.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratanakar Jha, Advocate

For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

4 08-08-2022 Heard learned senior counsel for the petitioner and
learned APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Kanhauli P.S. Case No. 115 of 2018, registered for the alleged offences under Sections 376, 511 and 34 of the Indian Penal Code and Sections 7, 18 and 18 of POCSO Act.

As per the prosecution case, the petitioner and three other co-accused persons tried to commit rape with the minor informant.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case as the



informant wanted to marry this petitioner and on his refusal, she filed this case. Later on, she improved upon statement made in the FIR and further alleged that the petitioner committed rape and co-accused video-graphed the act. Out of five witnesses examined in the case, three have not supported the prosecution case. Further the victim and one of the Investigating Officer have also been examined. Learned counsel further submits that the victim girl refused to undergo any medical examination and as she was not medically examined, her subsequent allegation of rape which was made after three months of the lodging of the FIR would not corroborated by the medical evidence. Learned counsel further submits that the petitioner is in custody since 03.05.2019 and the matter has been lingering for examination of the second Investigating Officer.

Learned APP opposes the prayer for bail submitting that the victim was a minor and when her statement under Section 164 Cr.P.C. was recorded by the learned Magistrate, she has specifically named this petitioner.

Perused the records.

Having regard to the submissions made hereinabove and in view of nature of allegation which is quite grave and serious and in fact about heinous crime being committed and



further considering the fact that the trial is almost complete in this case, so I am not inclined to enlarge the petitioner on bail at this stage.

Accordingly, his prayer for bail is rejected.

However, learned trial court is directed to expedite the trial and conclude the same within three months.

(Arun Kumar Jha, J)

V.K.Pandey/-

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