

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68589 of 2021

Arising Out of PS. Case No.-118 Year-2020 Thana- MAHILA PS District- Buxar

Sonukeshari @ Sonu Keshari Son Of Birendra Prasad Keshari Resident Of -
Chausabich Bazar, P.S- Buxar (MUFFASIL), Dist- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Saket Anand, Advocate
		Ms. Chhaya Kirti, Advocate
For the Opposite Party/s :		Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 20-09-2022 Heard learned 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 Buxar (Mahila) P.S. Case No. 118 of 2020, Special (POCSO) Case No. 45 of 2020 registered for the alleged offences under Section 376D of the Indian Penal Code and Sections 4 and 6 of POSCO Act and Sections 3(1)(r)(wi)/ 3(2)(v) of the SC/ST (POA) Act.

As per prosecution case, the petitioner along with co-accused committed rape with the minor informant.



Learned counsel for the petitioner submits that no occurrence as alleged has ever taken place. There is no eye witness to the alleged occurrence. The informant alleges that she was taken almost 14 km on motorcycle but no one saw her being taken by the petitioner. The medical report also does not support the allegation of rape as no mark of violence or spermatozoa have been found. There is variation between the written report given by the informant and statement recorded under Section 164 Cr.P.C. in which improvisation has been made. Learned counsel further submits that so far as age of the informant is concerned except for Aadhar card, there is no document to show that she was a minor at the date of occurrence. The petitioner has been falsely implicated in this case due to village politics and there is nothing against this petitioner. The petitioner is in custody since 17.02.2021. Charges have been framed against him.

Learned APP for the State opposes the prayer for bail made on behalf of the petitioner submitting that the petitioner has supported the case in her statement recorded under Section 164 of Cr.P.C and has made specific allegation against this petitioner and co-accused that they committed rape with her.

Perused the records.



Having regard to the facts and circumstances and submission made on behalf of the parties and considering the nature of allegation against this petitioner which is quite serious and grave, I am not inclined to enlarge the petitioner on bail at this stage and hence, the prayer for grant of bail is rejected.

The learned trial court is directed to expedite the trial and conclude the same within nine months.

If the trial is not concluded within the stipulated period, the petitioner may renew his prayer for bail, if so advised.

(Arun Kumar Jha, J)

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