

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68952 of 2021

Arising Out of PS. Case No.-260 Year-2021 Thana- SAUR BAZAR District- Saharsa

Ram Bilash Pandit, S/o Late Jai Narayan Pandit, R/o Village- Kariyat Ward
No. 12, P.S.- Saur Bazar (Patraghat O.P.), District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Harun Quareshi, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 21-09-2022 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 Saur Bazar P.S. Case No. 260 of 2021 registered for the alleged offences under Section 376 of the Indian Penal Code and Sections 4/6 of the POCSO Act.

As per the prosecution case, the petitioner committed rape with 7 years old minor daughter of the informant.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. For an



occurrence dated 27.05.2021, the FIR has been registered on 01.06.2021 and there is no explanation for this delay. The petitioner has been falsely implicated as he is having 10 katha of land on the western boundary of the informant which is situated near the village road and is quite valuable and as the informant wants to purchase the land and the offer has not been accepted by the petitioner, then he has been falsely implicated in this case. Learned counsel further submits that medical report does not confirm that rape was committed. Further, no material has come up on record to establish the commission of rape. The petitioner is in custody since 15.06.2021 and charge-sheet has been submitted. The petitioner has got no criminal history.

Learned APP opposes the prayer for bail submitting that the father of the informant has explained the delay as he has stated during his examination that he had been working at Chandigarh and came back there, and thereafter he lodged the report. Learned APP further submits that witnesses in Paragraphs 2, 6, 7 and 8 of the case diary have supported the prosecution case. Learned APP further submits that medical report also mentions about signs of genital injury present but not confirmatory.

Having regard to the serious nature of allegation



against the petitioner, I am not inclined to grant bail to the petitioner. Hence, the prayer for bail is rejected.

However, the learned trial court is directed to expedite the trial and conclude the same preferably within a period of six months.

(Arun Kumar Jha, J)

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