

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69401 of 2021

Arising Out of PS. Case No.-189 Year-2021 Thana- KHODAWANDPUR District- Begusarai

SHANKAR DAS, Son of Anjali Das Resident of Village - Aijani, Ward No. 08, Police Sation - Khodawandpur (Chhaurahi O.P.), District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bipin Kumar, Advocate

For the Opposite Party/s : Mr.Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 27-09-2022 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 Khodawandpur P.S. Case No. 189 of 2021 registered for the alleged offences under Section 376 A/B of the Indian Penal Code and Sections 4/6 of the POCSO Act.

As per prosecution case, the petitioner entered into the house of the informant in the night and committed rape with the minor daughter of the informant The petitioner is the cousin of the husband of the informant.

Learned counsel for the petitioner submits that



petitioner has been falsely implicated in this case due to ulterior motive. The parties are co-sharers and there is a dispute over share and with an ill motive, the present case has been lodged. There is delay of 3 days in lodging the F.I.R. as the occurrence took place on 17.08.2021 but the F.I.R has been lodged on 20.08.2021. There is no proper explanation for the same. Learned counsel further submits that there is no eye witness to the alleged occurrence and only on suspicion, the petitioner has been implicated in this case. Charge sheet has been submitted in this case and the petitioner is in custody since 21.08.2021. The petitioner has got no criminal history.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the bail petition of the petitioner was rejected by the learned trial court by a reasoned order wherein it has been mentioned that the victim girl aged about five years has supported the prosecution case completely and the medical report has not ruled out rape.

Having regard to the facts and circumstances and considering the very serious nature of allegation against the petitioner which shows perversion and a reprehensible act on his part, I am not inclined to enlarge the petitioner on bail at this stage.



Accordingly, his prayer for grant of bail is rejected.

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

(Arun Kumar Jha, J)

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