

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71046 of 2021

Arising Out of PS. Case No.-69 Year-2021 Thana- BHAPTIAHI District- Supaul

PRAMOD SAH S/o- Ramnath Sah Resident of Village- Pipra Khurd, Ward
No. 4, P.S.- Bhaptiyahi, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y. C. Verma, Senior Advocate
		Mr. Nafisuzzoha, Advocate
For the Opposite Party/s	:	Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 24-08-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

as well as learned counsel for the informant.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Bhaptiyahi P.S. Case No. 69 of 2021 registered for the offence
under Sections 376/201/120(B) of the Indian Penal Code and
Sections 4/17 of the POCSO Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 27.08.2020.

The allegation against the petitioner is to commit
rape/penetrative sexual assault upon informant/victim, who is



minor aged about 14 years, at the time of occurrence.

Learned senior counsel appearing on behalf of the petitioner submitted that the present FIR was lodged after 16 days of inordinate delay. It is also submitted that admittedly, there is long standing land disputes rather pending between the parties, which is one of the reason for implication in the present false case, as to create pressure. It is also submitted that the petitioner under apprehension of false implication already lodged informatory petitioner before concerned learned C.J.M. under Section 39 of the Cr.P.C. It is also emphasized that the medical report is not in support of allegation. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, submitted that the delay in lodging FIR is already explained through the contents of the FIR itself, as same was caused due to interference of local '*Mukhiya*'. It is also submitted that first informatory petition is of year 1999 and second is of 04 days after occurrence, having no bearing with present occurrence. It is also submitted by learned counsel for the informant that there



is specific allegation as regard to rape against this petitioner, as per statement of victim recorded under Section 164 of the Cr.P.C. It is also submitted that rape is not a medical finding rather same is legal.

In view of the submissions, as made above, as there is specific allegation as regard to rape/penetrative sexual assault upon victim against this petitioner, which is duly supported by statement recorded under Section 164 of the Cr.P.C., this Court is not inclined to grant bail to the petitioner, at present.

Accordingly, the prayer of bail of the petitioner is rejected herewith.

Trial Court/Special Court is directed to proceed with the matter, by taking it on board, on daily basis, so as trial may conclude within specified time as prescribed under Section 35 (2) of the POCSO Act, 2012.

Superintendent of Police, Supaul, is directed to produced the charge-sheeted witnesses, as and when directed by the Trial Court/Special Court, for expeditious disposal of trial, within specified time, as provided under law, mentioned above.

(Chandra Shekhar Jha, J)

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