

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71100 of 2021

Arising Out of PS. Case No.-136 Year-2018 Thana- HALSI District- Lakhisarai

Gautam Singh Son Of Budhan Singh Resident Of Village- Nand Nama, P.S-
Ramgarh Chauk, Halsi, Dist- Lakhisarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

6 21-12-2022 Heard learned counsel for the petitioner and learned
APP for the State.

In the present case, the petitioner seeks bail in connection with Halsi (Ramgarh chowk) P.S. Case No. 136 of 2018 registered for the alleged offences under Sections 376 and 511 of the Indian Penal Code and Section 8 of the POCSO Act.

As per prosecution case, the allegation against the petitioner is that the petitioner tried to commit rape with the minor daughter of the informant aged about seven years.

This is the second attempt of the petitioner to seek bail from this Court as his earlier prayer for bail was rejected vide order dated 06.02.2020 passed in Cr. Misc. No. 58160 of 2019.



Learned counsel for the petitioner submits that petitioner is in custody for more than four years and trial has not been concluded till date. Learned counsel further submits that the petitioner is innocent and has been falsely implicated in this case. The witnesses examined during investigation have recorded contradictory statements with regard to occurrence. It also come up during investigation that there was enmity between the informant and the petitioner.

Learned APP opposes the prayer for bail submitting that no fresh ground has been brought on record and the victim has supported the prosecution case even in her statement under Section 164 Cr.P.C.

Perused the records.

A report has been received from Superintendent of Police, Lakhisarai wherein he has submitted that prosecution witnesses have been examined and the matter has been coming up for evidence of defence and the date fixed is 13.12.2022.

Under the aforesaid facts and circumstances, I do not find any fresh ground for consideration of prayer for bail of the petitioner except his period of incarceration and thus I am not inclined to enlarge this petitioner on bail.

Hence his prayer of bail is rejected.



Since, the prosecution evidence has been closed and the matter has been coming up for defence evidence, it is expected that the defence would produce his evidence as early as possible and the learned trial court is directed to conduct the trial on daily basis and take steps for disposal of the case within two months.

(Arun Kumar Jha, J)

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