

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71047 of 2021**

Arising Out of PS. Case No.-79 Year-2019 Thana- GAUNAHA District- West Champaran

AKHILESH SAH @ AKHILESH KUMAR Son of Late Angad Sah Resident
of village - Amolwa, P.S.- Gaunaha, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, 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.

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

The petitioner seeks bail in connection with Gaunaha
P.S. Case No. 79 of 2019 registered for the offence under
Sections 376/506/34 of the Indian Penal Code and Section 4 of
the POCSO Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 14.08.2021.

The allegation against the petitioner is to commit
rape/penetrative sexual assault upon minor daughter of the
informant.

Learned counsel appearing on behalf of the petitioner



submitted that it appears from perusal of medical report that the victim is major, because the age of victim assessed between 17 to 19 years. It is also submitted that as family of petitioner has got a reputation in locality, the present false implication was made to create pressure to solemnize the marriage with the daughter of the informant in the background of false implication. 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 as per school certificate the date of birth of victim is 05.03.2002 and as such, she was minor, on the date of occurrence. It is also submitted that victim is minor and furthermore, supported the allegation of rape/penetrative sexual assault through her statement recorded under Section 164 of the Cr.P.C., having specific allegation against this petitioner. It is also submitted that the petitioner is involved in 02(two) other criminal cases, where, one case is of similar nature.

In view of the submissions, as made above, as the victim specifically supported the allegation of rape/penetrative



sexual assault against this petitioner through her statement recorded under Section 164 of the Cr.P.C. coupled with the fact that petitioner having of criminal antecedent of similar nature, 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, West Champaran, 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)

S.Katyayan/-

U		T	
---	--	---	--

