

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71867 of 2021

Arising Out of PS. Case No.-21 Year-2020 Thana- MAHILA PS District- Katihar

Manish Thakur S/o Pukar Thakur Resident of Fulwaria Chowk, P.S. - Korha,
District - Katihar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhola Prasad, Advocate

For the Opposite Party/s : Mr.Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 12-10-2022 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 Katihar Mahila P.S. Case No. 21 of 2020 registered for the alleged offences under Sections 376, 342 and 34 of the Indian Penal Code and Section 4 of the POCSO Act.

As per prosecution case, the daughter of the informant was raped by the petitioner at the point of knife. When the informant was going to lodge the report to the police, he was confined in their house by the co-accused persons for 18 hours.



Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case with malicious intention due to dispute existing between the parties in connection with a piece of land. The statement of the victim girl was recorded under Section 164 Cr.P.C. after 15 days before the learned trial court which shows that her statement is tutored and manufactured one. The F.I.R. has been registered after the delay of three days and for this, there is no explanation. Learned counsel further submits that there is discrepancy in the statement recorded under Section 164 Cr.P.C. and the statement of the informant made in the written report. At one place, the informant says he was abducted by relatives of the petitioner whereas, on the other hand the victim, in her statement recorded under Section 164 Cr.P.C., has stated that she was kidnapped by them. Learned counsel further submits that the prosecution story is not believable. Charge sheet has been submitted in this case and the petitioner is in custody since 08.10.2021.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the witnesses in paragraph 4, 11, 12, 13, 14 and 15 of the case diary have supported the prosecution case that the petitioner committed rape with the



victim girl and kept her confined in his house.

Perused the records.

Having regard to the facts and circumstances and considering the specific nature of allegation against the petitioner which is quite grave and serious, I am not inclined to enlarge the petitioner on bail and hence, the prayer for bail of the petitioner is rejected.

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

(Arun Kumar Jha, J)

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