

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7989 of 2023

Arising Out of PS. Case No.-75 Year-2022 Thana- UJIYARPUR District- Samastipur

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SUSHIL @ SUSHIL KUMAR S/O RAJENDRA RAM R/v- Malti, P.S.-
Ujiyarpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh

For the Opposite Party/s : Mr.Md. Fahimuddin

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 07-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 376 and 506 of the Indian Penal Code and Section 6 of the POCSO Act.

Allegation against the petitioner is that he committed rape upon the victim girl (informant) aged about 14 years resulting into her pregnancy and later on she gave birth of a child. It is further alleged that the petitioner threatened her of dire consequences.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case and also there is delay of 9 months in lodging the FIR. A statement has been made in para-3



of this petition that the petitioner has got no criminal antecedent. It is further submitted that the petitioner is languishing in judicial custody since 14.11.2022.

Learned APP appearing for the state has vehemently opposed the prayer of regular bail and submitted that as per the statement of the victim recorded under Section 164 of the Cr.P.C., in which she stated that the petitioner committed rape with her and also the medical report of the victim which is annexed in the para-54 of the case diary supported the prosecution version. It is also submitted that victim who is informant in this case herself lodged this case against the petitioner.

Having heard the learned counsel for the parties and considering the fact that there is direct allegation against the petitioner of committing rape upon the victim, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

The trial Court is directed to expedite the trial and conclude the same as soon as possible.

(Sunil Kumar Panwar, J)

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