

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26344 of 2023

Arising Out of PS. Case No.-283 Year-2022 Thana- BIBHUTIPUR District- Samastipur

=====

SANJAY KUMAR SON OF SHANKAR YADAV RESIDENT OF VILLAGE
- SINGHIYA GHAT, PS- BIBHUTIPUR, DIST- SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar, Adv.

For the Opposite Party/s : Mr. Binay Krishna, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-06-2023 Heard learned counsel for the petitioner, learned

counsel for the informant and learned Special Public Prosecutor

for the State.

Petitioner seeks bail, who is in custody since
14.07.2022 connection with Bibhutipur P.S. Case No.283/2022,
F.I.R. dated 12.07.2022, for the offences punishable under
Sections 376D of the IPC & Sections 4, 6 of POCSO Act and
Sections 3(1) (r) (s) (w)(i) (ii), 3(2) (v) 3 (2) (VA) SC/ST Act.

According to prosecution case, while the informant
was going to her house from shop, the petitioner along with
other co-accused persons gagged her mouth with cloth and
thereafter the petitioner committed rape on her and thereafter
rest accused persons also committed rape on her.

Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation against the petitioner as alleged in the F.I.R. is false and fabricated. The petitioner has not committed any offence as alleged in the F.I.R.

Learned counsel for the informant as well as learned Special Public Prosecutor for the State on the other hand have vehemently opposed the prayer for bail of the petitioner and submits that the statement of the victim was recorded under Section 164 Cr.P.C. in which she has categorically stated that the petitioner has committed rape upon her and the medical report also supports the allegation as alleged in the F.I.R.

vide order dated 23.05.2023 a report was called for from the learned trial court with regard to present stage of the trial. Report dated 01.06.2023 of the learned trial court reveals that out of seven charge sheeted witnesses, four prosecution witnesses have already been examined.

Considering the aforesaid facts and report of the learned trial court, I am not inclined to enlarge the petitioner on bail in connection with Bibhutipur P.S. Case No.283/2022, pending in the Court of learned Additional Sessions Judge-VI-cum-Special Court (POCSO), Samastipur.



Prayer is refused.

However, learned trial court is directed to expedite the trial and conclude the same at the earliest.

(Rajesh Kumar Verma, J)

amit/-

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

