

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29626 of 2022

Arising Out of PS. Case No.-411 Year-2021 Thana- GHORASAHAN District- East
Champaran

Shankar Rai Son of Saryug Ray Resident of Kaswa Laukhan , P.S- Horasahan
, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Anang Mohan Sinha, Adv.
For the Opposite Party/s :	Mr. Ajay Kumar Jha, APP
For the informant :	Mr. Abhishek Kumar with Ms. Rashmi Jha, Advocates

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

8 09-02-2023 Heard learned counsel for the petitioner, learned counsel
for the informant and learned Additional Public Prosecutor appearing
for the State of Bihar.

The petitioner seeks bail in connection with Ghorasahan PS Case No. 411 of 2021, dated 22-09-2021, registered for the offence punishable under Sections, 376(A), 376(AB) and 302 of the Indian Penal Code (*for brevity IPC*) and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012 (*for brevity 'POCSO Act'*).

The prosecution case is that the informant's daughter had gone to the petitioner's house as usual in the evening for watching TV. Later on, the child has been found hanging in the precincts of a 'Math' and blood oozing out of her private parts. It has been found that she has been raped, prior to her killing.

The learned counsel for the petitioner submits that the prosecution case is highly improbable having regard to the nature of relationship of the victim with the petitioner, which is evident from the First Information Report (*for brevity FIR*) itself, which states that she is going to his house every day for watching TV. It has emerged in the investigation that the petitioner was residing in the house along



with wife and another children. The petitioner has no antecedent and in custody since 29/10/2021.

The learned APP as well as learned counsel for the informant have opposed the prayer for bail. They have submitted that victim girl had gone to the petitioner's house. It is submitted that if the child had left the petitioner's house, late in the evening, at least normal conduct is that he would have informed the parents of child. It is, in fact, the petitioner, who is responsible for the rape and killing of the child, which has been done at a place other than his own house. Having submitted so, it is also submitted that four (04) out of seven (07) charge-sheeted witnesses have already been examined.

This Court, in view of the advanced stage of trial, for limited consideration of the plea for bail, is inclined to accept the submissions advanced by learned APP as well as learned counsel for the informant.

Prayer for bail made on behalf of the petitioner is rejected, for the present

It is submitted by learned counsel for the informant that without wasting anytime, the witnesses shall be produced on a day-to-day basis. The Court would consider it expedient to direct the learned Trial Court to proceed in the matter expeditiously, without granting any undue adjournments or unnecessary delay, and preferably within a period of four (04) months from today.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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