

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11393 of 2023

Arising Out of PS. Case No.-523 Year-2022 Thana- SAHEBGANJ District- Muzaffarpur

Shiv Balak Pandit @ Shivilal Pandit Son Of Late Budhu Pandit R/O Village-
Saraiya, P.S.- Sahebganj, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yugal Kishore, Adv.

For the Opposite Party/s : Mr.Sadanand Paswan, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

10 15-05-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Sahebganj P.S. Case No. 523 of 2022 instituted for the offences under Section 376 of the Indian Penal Code and Section 4/6 of the POCSO Act and Section 3(i)(w), (ii) of the SC/ST Act.

3. The accusation against the petitioner is of forcibly committing rape upon the 14-years-old minor girl/daughter of the Informant. It has further been alleged that due to fear, the victim did not disclose about rape to her parents but, after six months when she was suspected of carrying pregnancy, she disclosed on query about the incident.

4. Learned counsel for the petitioner submits that



the petitioner is innocent and has committed no offence as alleged against him in the F.I.R. and has falsely been implicated in the present case. The petitioner is a 67 years old person. Both the parties are neighbour and there is a long dispute with respect to *rasta* between them. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present bail application and is languishing in judicial custody since 09.11.2022.

5. On the other hand, the learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the allegation made against the petitioner is serious in nature. He further submits that the victim girl in her statement recorded under Section 164 Cr.P.C. has fully supported the allegations made in the F.I.R. as also about carrying pregnancy of 7 months due to that incident. The medical report of the victim girl also corroborates the pregnancy.

6. Pursuant to the order of this Court, the Court below has sent its report dated 25th April, 2024. From perusal of the report, it appears that the case is at the stage of prosecution evidence. In this case altogether seven witnesses have been examined in support of the prosecution and P.W.7 (I.O.) was



deferred for cross-examination for want of DNA test report. It further appears that the next date was fixed on 09.05.2024. It has further been stated that two more months time shall be required for completion of the trial which is at the stage of evidence of I.O.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the 164 Cr.P.C. statement of the victim girl coupled with the report sent by the Trial court, this Court is not inclined to grant bail to the petitioner at this stage.

8. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial and conclude the same within a period of two months from the date of receipt/production of a copy of this order as has been stated in the aforesaid report of the Trial court dated 25th April, 2024.

(Rudra Prakash Mishra, J)

rishi/-

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

