

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35671 of 2024

Arising Out of PS. Case No.-140 Year-2023 Thana- MADHUBAN District- East Champaran

Raushan Kumar S/O Kishundeo Prasad, R/O Village- Sawangiya, PS-
Madhuban, Distt.- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Y.C. Verma, Sr. Advocate Mr. Dhurendra Kumar, Advocate
For the Opposite Party	:	Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 02-08-2024 Heard Mr. Y.C. Verma, the learned senior counsel
for the petitioner and Mr. Md. Mushtaque Alam, the learned
Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since
16.04.2023, in connection with Session Trial No. 56 of 2023,
arising out of Madhuban P.S. Case No. 140 of 2023, FIR dated
28.03.2023, registered for the offences punishable under
Sections 366(A), 376 and 506 read with Section 34 of the Indian
Penal Code and under Section 4/8 of POCSO Act.

3. Earlier the petitioner has moved before this
Hon'ble Court in Cr. Misc. No. 53948 of 2023, which was
rejected vide order dated 19.09.2023.

4. According to the prosecution case, while the



informant was out of her house, the petitioner entered into her house and on the point of pistol took away petitioner's daughter to a maize field and committed rape upon her. It is further alleged that when the informant complained about the incident to petitioner's family members, they threatened her with dire consequences.

5. Learned senior counsel for the petitioner submits that from bare perusal of the FIR, it appears that the date of occurrence as alleged in the FIR is on 25.06.2023 while the present FIR is instituted on 28.03.2023, after a delay of three days with giving any explanation for the delay.

6. Vide order dated 21.06.2024, a report was called for with regard to the stage of the trial and report dated 11.07.2024 of the learned trial Court reveals that trial is going on and witnesses are being examined.

7. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

8. Considering the aforesaid facts and circumstances, the report of the learned trial Court, the nature of allegation levelled in the FIR supported by the medical evidence as well as the statement of the victim recorded under Section 164 of the



Cr.P.C., I am **not** inclined to enlarge the petitioner on bail in connection with Madhuban P.S. Case No. 140 of 2023, pending in the Court of learned 7th Additional Sessions Judge-cum-Special Judge, POCSO, East Champaran, Motihari.

9. Prayer is refused.
10. However, the learned trial Court is directed to expedite the trial and conclude the same at the earliest.

(Rajesh Kumar Verma, J)

Shahnawaz/-

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