

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66611 of 2024

Arising Out of PS. Case No.-140 Year-2024 Thana- BARARI District- Katihar

Geru Das Son of Late Lakhan Das Village- Chhoti Bhais Diyara Ps- Barari
Dist- Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rubi Devi W/o- Sanoj Das Village- Chhoti Bhais Diyara Ps- Barari Dist-
Katihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajendra Prasad Sah, Advocate
For the Informant/s	:	Mr. Sanjeev Kumar Singh, Advocate
For the Opposite Party/s	:	Mr.Arvind Kumar Pandey (App.84)

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

5 24-02-2025 Heard learned counsel for the petitioner; learned
counsel for the informant, Mr. Sanjeev Kumar Singh and Mr.
Arvind Kumar Pandey, learned APP for the State.

2. The petitioner has prayed for regular bail in a case
registered for the offence punishable under Section 376 of the
Indian Penal Code and Section 4/6 of the POCSO Act.

3. The case of the prosecution is that mentally disabled
daughter of the informant was raped by the petitioner.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. He has falsely been implicated in this case. He has got no criminal antecedent. It is further submitted that the petitioner is languishing in judicial custody since 06.05.2024.

5. Learned APP appearing for the state and learned counsel for the informant have opposed the prayer of regular bail and submitted that during course of investigation, the medical examination was conducted, in which the victim girl is aged about nine years whereas the petitioner is aged about 52 years and on medical examination, the doctor has found redness over vulva, hymen was torn and the doctor has concluded that she has been used for sexual intercourse. There is direct allegation against the petitioner of raping a minor disabled girl. The victim has also given her statement under Section 164 of the Cr.P.C., wherein she has supported the case of the prosecution. The report from the trial court has been called as to the status of the trial, which was to show that the case is pending for the examination of the witnesses of prosecution.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is not inclined to enlarge the petitioner on bail which is accordingly rejected.



7. However, the petitioner will be at liberty to renew his prayer for bail after six months if the trial is not concluded within that period. Before parting, the trial court is directed to expedite the trial in view of the provisions of the POCSO Act.

(Ashok Kumar Pandey, J)

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