
(2021) 01 JH CK 0161
In the Jharkhand High Court
Case No : Bail Application No. 11065 Of 2020

Sourav Bhagat

APPELLANT

Vs

State of Jharkhand

RESPONDENT

Date of Decision : 14-01-2021

Acts Referred:

Indian Penal Code, 1860 — Section 376D
Code Of Criminal Procedure, 1973 — Section 164

Citation : (2021) 01 JH CK 0161

Hon'ble Judges : Anil Kumar Choudhary, J

Bench : Single Bench

Advocate : Sunita Kumari, Rajneesh Vardhan

Final Decision : Dismissed

Judgement

Heard the parties through video conferencing.

Learned counsel for the petitioner undertakes to remove the defects pointed out by the stamp reporter within two weeks after the lockdown is over.

In view of personal undertaking given by the learned counsel for the petitioner, the defects pointed out by the stamp reporter are ignored for the present.

The petitioner has been made accused in connection with Gumla P.S. Case No.345 of 2020 registered under Sections 376-D of the Indian Penal Code.

Learned counsel for the petitioner submits that the allegation against the petitioner is that the petitioner along with the co-accused persons, has committed gang rape upon the victim. It is submitted that the allegation against the petitioner is false. It is next submitted that the case of the

prosecution is highly doubtful. It is lastly submitted that the petitioner has remained in custody for a considerable period of time. Hence it is submitted that the petitioner be released on bail.

Learned Addl. P.P. appearing for the State vehemently opposes the prayer for bail and submits that in her statement recorded under Section 164

Cr.P.C., the victim has categorically named the petitioner to be one of the persons who has committed gang rape upon her and in view of serious

nature of allegation against the petitioner, there is every chance of the petitioner absconding, if released on bail. Hence, in view of serious nature of

allegation against the petitioner, the petitioner ought not to be released on bail.

Considering the direct allegation against the petitioner of commission of gang rape upon the victim, this Court is of the considered view that this is not

a fit case where the petitioner be admitted to bail. Accordingly, the prayer for bail of the above named petitioner is rejected.

Keeping in view the period of custody undergone by the petitioner and the serious nature of offences involved in this case, notwithstanding any order

in administrative side of this court, the trial court is directed to take up the trial of the case expeditiously and to conclude the trial within six months

from the date of receipt of this order by the trial court. It is made clear that the trial be conducted and witnesses be examined by observing the

precautions relating to COVID- 19 pandemic.