

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.206 of 2015

Arising Out of PS.Case No. -30 Year- 2014 Thana -MAHILA P.S. District- PATNA

Jitendra Kumar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ganesh Prasad Yadav

For the Opposite Party/s : Mr. C.Jawahar(A.P.P.)

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

04 08-04-2015

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor.

Minor girl aged about 12 years namely Jyoti Kumari
was lifted by the petitioner in the mid-night while she had come
out from her house to meet nature's call, taken to his room, was
administered intoxicated substance and then, has been alleged to
have been ravished.

Learned counsel for the petitioner submitted that so
called victim has been stamped to falsely implicate the
petitioner so that, he would not be able to demand the money
which he spent for treatment of father of alleged victim, who
presently is suffering from cancer. It has also been submitted that
tutored statement of the victim found completely exposed during
course of her statement under Section 164 of the Cr.P.C.



whereunder she had stated apart from others, petitioner after apprehending her, put handkerchief over her nose, on account of which, she became unconscious. Subsequently thereof, what was done with her, she got no knowledge. While, in her fard-beyan, she had stated that she was taken to room by the petitioner where she was administered intoxicated substance over which she became unconscious. Though, subsequently she alleged that something wrong was done with her. It has also been submitted that medical evidence did not corroborate the allegation and on account thereof, chargesheet has been submitted under Sections 363, 342, 376 and 511 of the I.P.C. and Section 4-6 of POCSO Act. Also submitted that petitioner happens to be under custody since 09.07.2014, hence be enlarged on bail.

On the other hand, learned Additional Public Prosecutor opposed the prayer and submitted that victim happens to be minor is an admitted fact. She was lifted in night by the petitioner while she came out to meet nature's call is found consistently brought up on record. As per Paras-11 and 12 of the case diary, more particularly Para-12 wherein the owner of the house, wherein petitioner resides as a tenant, has been examined, who had stated presence of victim in his room whereupon he, after perceiving rumour in the locality, informed the father of the victim

along with others came and taken away the victim from the room of the petitioner. In the aforesaid facts and circumstances of the case, though medical evidence had not supported the fact of rape, but ill-conduct of petitioner against a minor is found above Board.

As such, I do not see it a fit case for grant of bail. Accordingly, prayer of petitioner for bail is rejected.

However, if so advised, may renew his prayer after examination of the informant.

(Aditya Kumar Trivedi, J)

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