

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15880 of 2016

Arising Out of PS.Case No. -69 Year- 2015 Thana -AMAUR District- PURNIA

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Bhola Kumar Biswas @ Bhola Mandal, Son of Shyamlal Mandal, Resident
of Village - Pipara, Police Statino - Amour in the District - Purnea

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kumar, Advocate

For the Opposite Party/s : Mr. Mukesh Kr. Singh (APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 26-05-2016 Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner is languishing in jail since 01.03.2016

in connection with Special Case No. 26/15, arising out of Amour
P.S. Case No. 69/15 for offences alleged under Section 376 of the
Indian Penal Code and under Section 6 of the Protection of
Children from Sexual Offence Act, 2012.

The prosecution case, as lodged by the informant,

is that petitioner caught her from behind and forcibly committed
rape with her on the point of knife and fled away. She further
alleged that on hulla Tetari Devi and Meena Devi reached at the
place of occurrence and saw the occurrence.

It has been submitted by the learned counsel for
the petitioner that he is innocent, has falsely been implicated in the

aforesaid case due to land dispute and earlier petitioner side had filed a case against the informant side and the present case is a counterblast of the previous case. He submits that on medical examination the informant is found to be of 19 years of age, as such, POCSO Act is not applicable and the entire prosecution case is concocted and false and no such occurrence took place.

However, learned APP for the State submits that the witnesses have supported the case and especially Tetri Devi and Mina Devi have also deposed in favour of the prosecution.

Under such circumstances, I am not inclined to grant the petitioner privilege of bail in connection with Special Case No. 26/15, arising out of Amour P.S. Case No. 69/15, pending before learned 1st Addl. Sessions Judge-cum-Special Judge, Purnea.

Prayer for bail on behalf of the petitioner is, accordingly, rejected. However, granting liberty to the petitioner to renew his prayer for bail after six months from today.

(Nilu Agrawal, J.)

Rajesh/-

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