

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37562 of 2016

Arising Out of PS.Case No. -60 Year- 2016 Thana -BABUBARHI District- MADHUBANI

1. Sanjeet Kumar Raut Son of Ram Cahndra Raut@Ram Chandra Singh
Resident of village:- Aauraha, P.S: - Baburahi, District Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate

For the Opposite Party/s : Mr. Atul Chandra, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 29-09-2016

Heard learned counsel for the petitioner and the learned

A.P.P. for the State.

The petitioner apprehends his arrest in connection with Babubarhi P.S.Case No. 60 of 2016 registered for offences punishable under Sections 376 of the Indian Penal Code and 4 of POCSO Act.

The prosecution case is that daughter of informant namely, Shiv Kumari , aged about 14 years had gone in the field for cutting grass. At that time petitioner came there and committed rape on her. On alarm people came and petitioner fled away. Thereafter, people brought the victim at her house where victim stated regarding the occurrence and after that, the mother of victim gave a written petition to the police.

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

aforesaid case. He submits that the Medical Board has found her age is between 16-17 years with no external or internal injuries over her body or private parts and there was no medical evidence of rape found at the time of examination and the approximate age of Shiv Kumari is between 16 & 17 years, as such, the allegations are frivolous.

However, learned A.P.P. for the State submits that the date of occurrence is 12.03.2016 and Medical Board examined the victim girl on 13.03.2016. As the Medical examination was done after one day, hence it is possible that no evidence of rape could be found after a delay of one day. He has also submitted that in her statement under Section 164 of the Cr. P. C., the victim has deposed that the petitioner had committed rape upon her, although, she has stated her age to be 14 years and the Medical Board has assessed her age to be 16-17 years.

Considering the nature of offence, I am not inclined to grant the privilege of bail to the petitioner.

The application is accordingly, rejected.

(Nilu Agrawal, J)

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