

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5913 of 2016

Arising Out of PS.Case No. -149 Year- 2015 Thana -MAHILA P.S. District- NALANDA
(BIHARSHARIFF)

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Arjun Prasad son of Late Baso Mahto, resident of village- Ishwar Chak,
P.S.- Bind, District- Nalanda

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Vidya Sagar, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh (App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

4 06-04-2016 Heard the learned counsel for the petitioner as well as

the learned A.P.P. for the State.

The petitioner seeks bail in a case for the offences
punishable under section 376 of the Indian Penal Code and 4, 6, 8
of the POCSO Act,

Allegedly, the petitioner committed rape with minor
girl of the informant resulting she became unconscious.

Submission is of false implication due to enmity, the
petitioner and the informant are next door neighbour, the
petitioner advanced friendly loan of Rs.40,000/- to the
informant's family last year and when the petitioner demanded
money, he has been implicated falsely, the witnesses examined are

the family members of the informant and the doctor, who has examined the victim girl, has not found any injury on private part and further no spermatozoa was found and petitioner is 76 years old and as such, the petitioner deserves sympathetic consideration to which the learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer of bail by submitting that the victim in her statement under Section 164 of the Cr.P.C. has supported the allegation of rape against the petitioner.

In the facts and circumstances stated above, considering the allegation attributed against the petitioner, serious in nature, I am not inclined to enlarge the petitioner on bail and, accordingly, his such prayer in connection with Mahila P.S. Case No.149 of 2015 pending in the court of Additional Sessions Judge-1st, Bihar Sharif, Nalanda stands rejected.

(Jitendra Mohan Sharma, J)

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