

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27432 of 2017

Arising Out of PS.Case No. -73 Year- 2016 Thana -MEERGANJ District- PURNIA

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Pramod Sah Son of Narayan Sah, Resident of Khagha, P.S.- Meerganj,
District- Purnea.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate
Mr. Dr. Bidhu Ranjan, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 31-07-2017 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since 29.08.2016 in connection with Special Case No. 51 of 2016 arising out of Meerganj P.S. Case No. 73 of 2016 pending in the Court of learned 1st Additional Sessions Judge-cum- Special Judge, Purnea registered for the offence punishable under Sections 376, 313 and 506/34 of the Indian Penal Code and Section 4 of the POCSO Act, 2012.

The prosecution case, as lodged by the informant, who is victim's mother, is that on 28.08.2016 while she along with her family members had gone to harvest maize in the field, petitioner



committed rape on her minor daughter, Manisha Kumari, who is mentally weak and threatened her not to tell any one. Again in the month of Shrawan, while the informant was away from the house and the victim was alone, petitioner again committed rape and threatened her of dire consequences. After sometime, when the victim vomited, it came to be known that she is pregnant and the petitioner forcibly gave her medicine, as such, her pregnancy was terminated.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and that he is next door neighbour and he had contested election for the post of Mukhiya, hence, the informant's side is inimical and he has been falsely implicated. It has further been submitted that charge-sheet has been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioner.

However, learned A.P.P. for the State submits that the victim girl, who has been assessed to be a minor by the medical report, was subjected to rape by the petitioner as per her own statement and her pregnancy was terminated by the petitioner by inducing medicine, hence, opposes the prayer for bail.

Considering the facts and circumstances and the



materials on record, I am not inclined to grant the privilege of bail to the petitioner. This application is, accordingly, rejected.

However, petitioner may renew his prayer for bail after six months, if the trial is not concluded within that period.

(Nilu Agrawal, J.)

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