

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35301 of 2017

Arising Out of PS.Case No. -310 Year- 2014 Thana -PAROO District- MUZAFFARPUR

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1. Gopal Sahani, Son of Mahanth Sahani, Resident of Village Fatehabad,
P.S. Paroo, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Upendra Kumar Chaubey

For the Opposite Party/s : Mr. Ashok Kumar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 15-09-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
16.03.2017 in connection with Trial No. 17/17, arising out of
Paroo P.S. Case No. 310/2014 for offences punishable under
Section 376 of the Indian Penal Code and 6/4 of the POCSO Act.

The prosecution case, as lodged by the informant, is
that while his 12 year old daughter Nibha Kumari was returning
home from Mela at 4.00 A.M. in the morning, the petitioner
caught hold of her and committed rape.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal history and has



been falsely implicated in the aforesaid case as the mother of the victim had earlier lodged a complaint against some of the villagers bearing Case No. 1328/2016 for similar offence on her another daughter Sakunti Kumari. He submits that no overt act has been committed and the medical report falsifies the prosecution story. He further submits that although the age of the victim has been assessed as eight years by the learned Magistrate but as per the medical report she is 13-14 years of age.

However, learned APP for the State opposes the prayer for bail stating therein that the victim girl has narrated the same story in her statement under Sections 161, 164 Cr.P.C. and she is a minor.

Considering the facts and circumstances and the materials on record, I am not inclined to grant privilege of bail to the petitioner at this stage in connection with Trial No. 17/17, arising out of Paroo P.S. Case No. 310/2014, pending in the court of learned Special Judge, POCSO Act, Muzaffarpur.

Application is, accordingly, rejected.

(Nilu Agrawal, J)

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