

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41774 of 2017

Arising Out of PS.Case No. -45 Year- 2017 Thana -BIBHUTIPUR District- SAMASTIPUR

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Rajesh Mallik Son of Late Balo Mallik, R/o Village- Narhan Estate, P.S.-
Bibhutipur, District- Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Pandey

For the Opposite Party/s : Mr. Md. Sufiyan

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 22-09-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
09.03.2017 in connection with Bibhutipur P.S. Case No. 45
of 2017 for offences punishable under Section 376 of the
Indian Penal Code and Section 4 of the POSCO Act.

The prosecution case, as lodged by the informant
aged 15 years is that while she had gone to attend the
marriage ceremony of her brother's brother-in-law. The
petitioner, he called her to a lonely place and forcefully



committed rape on her.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated. He submits that it is improbable that the person who is going to get married when the Barat party has reached would commit rape. He submits that in fact the victim girl wanted to marry the petitioner and thus a false allegation has been made against him.

However, learned APP for the State opposes the prayer for bail stating therein that the victim girl has reiterated the same story in her statement under Section 164 Cr.P.C. Her age has been assessed by the Magistrate as 15 years. The Medical Board has also assessed her age as 15-16 years and that rape had been committed as such she was 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 Bibhutipur P.S. Case No.45 of 2017, pending in the court of learned Special Judge, POSCO, Samastipur.

The application is, accordingly, rejected.



However the petitioner may renew his prayer for bail after framing of charge.

(Nilu Agrawal, J)

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