

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42742 of 2017

Arising Out of PS.Case No. -20 Year- 2016 Thana -MAHILA P.S. District- SHEOHAR

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1. Dipu Kumar son of Sri Ramsogarath Sah resident of village - Minapur
Balaha, P.S. - Piprahi, Dist. Sheohar. Petitioner/s

Versus

1. The State of Bihar. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bindeshwar Sah
For the Opposite Party/s : Mr. Sri Nand Kumar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 09-11-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

Petitioner seeks bail in connection with Sheohar
Mahila P.S. Case No. 20 of 2016 for offences punishable under
Sections 376(2)(i), 201, 379, 323 and 506/34 of the Indian Penal
Code and Section 4 of the POCSO Act.

The prosecution case, as lodged by the informant who
is herself the victim, is that while she had gone for natural call, the
petitioner forcibly took her and committed rape on her and
snatched her gold ornament.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal antecedent and is
languishing in judicial custody since 06.04.2017. He submits that
no such occurrence took place and the FIR has been lodged after
10 days of the alleged occurrence. It is further submitted that the



medical report suggests her age to be 17 to 19 years and that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned counsel appearing on behalf of the for the informant submits that because there was a Panchayati to be held hence, the delay in lodging of the F.I.R. but the petitioner did not appear in the Panchayati and has also given threat. He submits that the victim in her statement under Section 164 Cr.P.C. has alleged that the petitioner committed rape on her and her age has been assessed by the Magistrate to be 15 years.

Learned APP for the State also opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, I am not inclined to grant privilege of bail to the petitioner and accordingly, his prayer for bail stands rejected in connection with Sheohar Mahila P.S. Case No. 20 of 2016 pending before learned Additional Sessions Judge-cum-Special Court under POCSO Act.

(Nilu Agrawal, J)

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