

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8289 of 2017

Arising Out of PS.Case No. -33 Year- 2016 Thana -MAHILA P.S. District- BHABHUA (KAIMUR)

1. Rambhog Pal, S/o Bineshari Pal, R/o village - Parmalpur, P.S. Bhagwanpur, District - Kaimur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.10937 of 2017

Arising Out of PS.Case No. -33 Year- 2016 Thana -MAHILA P.S. District- BHABHUA (KAIMUR)

1. Jawahar Paswan @ Jawahir Paswan, son of Alagu Paswan, Resident of Village- Parmalpur, P.S.- Bhagwanpur, District- Kaimur at Bhabua.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.8289 of 2017)

For the Petitioner/s : Mr. Ashutosh Tripathy, Advocate

For the Opposite Party/s : Mr. Sakir Ahmad, APP

(In Cr.Misc. No.10937 of 2017)

For the Petitioner/s : Mr. Rajani Kant Pandey, Advocate

For the Opposite Party/s : Mr. Ramchandra Singh, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 29-03-2017 Heard learned counsel for the petitioners,

learned counsel for the informant and learned Additional Public

Prosecutor for the State.

Petitioner is languishing in custody in

connection with Bhabua (Mahila) P.S. Case No. 33 of 2016 for

the offences punishable under Sections 376/354B/34 of the



Indian Penal Code and Section 6 of the POCSO Act, pending in the Court of Additional Sessions Judge-I, Bhabua at Kaimur.

According to F.I.R. petitioner Rambhog Pal and two others including petitioner Jawahar Paswan @ Jawahir Paswan forcefully took the informant to the house of Algu Paswan and petitioner Rambhog Pal committed rape on her while others assisted Rambhog Pal.

Submission of the petitioner is that from the case-diary it would appear that the victim had voluntarily gone with the accused and when she was caught by her mother she levelled false allegation. Mother has stated that soon after the occurrence she reached and saw her girl and she brought her to the house beating her, which shows that everything was consensual act of the informant.

Further submission is that the medical report does not corroborate the allegation of rape. He further submits that a day before the alleged occurrence F.I.R. was lodged by the petitioner side and just by way of retaliation the present false case has been lodged.

Considering the nature of allegations, I am not inclined to enlarge the petitioners on bail for the present. The bail prayer of the petitioners is refused. If the trial is not concluded



within nine months from the date of receipt of a copy of this order,
the petitioners may renew the prayer for bail.

Mkr./-

(Birendra Kumar, J)

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