

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.954 of 2018

Arising Out of PS.Case No. -108 Year- 2016 Thana -JANDAHA District- VAISHALI(HAJIPUR)

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Surendra Rai S/o Baiju Rai, R/o Village- Mahua, Mukundpur (Panchmukhi Chowk), P.S.- Mahua, District- Vaishali.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Navesh Nandan, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 01-02-2018 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner, who is in custody, seeks bail in connection with Jandaha P.S. Case No. 108 of 2016 registered for the offence punishable under Section 376 of the Indian Penal Code and Sections 4, 6, 8 and 10 of POCSO Act.

Informant who is the father of victim girl Kanchan Kumari has stated in his written complaint that on 11.07.2016 he had gone to attend marriage ceremony along with his 10 years daughter and when Barati came and assembled he left his daughter in the car to keep watch on the ornaments kept in Car and thereafter he became busy in marriage ceremony and at 2:00 PM when there was requirement of ornaments he came near his car but



could not find the car parked there and thereafter on search he saw that petitioner who was the driver of the car (petitioner) sexually assaulting his daughter and after seeing him her daughter started crying that petitioner (driver) has committed rape with her and thereafter she became unconscious. The driver was caught with the help of villagers and disclosed his name as Surendra Rai. The statement of girl was recorded under Section 164 of Cr.P.C. and she has also named petitioner for committing sexual assault on her. The medical report also confirms sexual assault on the victim Kanchan Kumari. It has been submitted by learned counsel for the petitioner that petitioner is in custody since 13.07.2016.

Considering the aforesaid facts and circumstances of the case, I am not inclined to grant bail to the petitioner. Accordingly the prayer for bail is rejected.

(S. Kumar, J)

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