

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37892 of 2018

Arising Out of PS.Case No. -10 Year- 2018 Thana -MAHILA P.S. District- SARAN

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Brajesh Kumar Singh S/o Tarkeshwar Singh, R/o Vill.- Bhataura, P.S.-
Taraiya, District- Saran.

.... Petitioner

Versus

1. The State of Bihar
2. Menka Kumari, daughter of Birendra Singh, resident of village
Bhagwatpur, P.S. Taraiya, Dist. Saran

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar Singh

For the Opposite Party/s : Mr. Lalan Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 12-09-2018 Heard learned counsel for the petitioner.

Petitioner prays for bail in connection with Mahila
P.S.Case No. 10 of 2018 registered for the offences punishable
under Sections 376, 506, 34 of the Indian Penal Code and Sections
3/4 of POCSO Act.

Allegation against the petitioner is of committing rape
upon the informant and also taking naked photograph in mobile
and putting it in internet.

Submission of learned counsel for the petitioner is that
one after another three cases have been lodged against the
petitioner and he is on bail in other cases. Further submission is
that the victim is major and as such no offence under POCSO Act



is made out against the petitioner and she is a consenting party and material has come during investigation that marriage of the petitioner with the informant was solemnized. However, on enquiry he has not given any answer as to whether he wants to keep the informant with him or not.

Heard learned APP and learned counsel for the informant, who has opposed the prayer for bail stating that not only he has committed rape upon her but also he is blackmailing her.

Having heard both sides and in the facts and circumstances, I am not inclined to grant bail to the petitioner.

Hence, this application is dismissed.

(Vinod Kumar Sinha, J)

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