

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.2678 of 2018**

Arising Out of PS.Case No. -99 Year- 2017 Thana -PURAINI District- MADHEPURA

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1. BAHADUR KUMAR @ BAHADUR KUMAR SAH, Son of Abhyas  
Sah, Resident of Village- Durail, P.S.- Puraini, District- Madhepura.

.... .... Petitioner/s

Versus

1. The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Bam Bahadur Jha

For the Opposite Party/s : Mr. Ram Sumiran Roy

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

3      15-02-2018                      Heard learned counsel for the petitioner and learned  
APP for the State.

Petitioner is languishing in judicial custody since  
25.08.2017 in connection with POCSO Case No. 23/17, arising  
out of Puraini P.S. Case No. 99/17 for offences punishable under  
Section 376 of the Indian Penal Code and Section 4 of the POCSO  
Act.

The prosecution case, as lodged by the victim's mother,  
is that while she had gone in the field to cut grass and while  
returning home she found the petitioner committing rape on his  
nine year old daughter Madhu Kumari.

It has been submitted by the learned counsel for the  
petitioner that the petitioner himself is an 18 year old boy and is



the uncle of the victim and it is most improbable that the uncle will commit such a heinous crime. He submits that the petitioner has a clean antecedent and the victim girl in her statement under Section 164 Cr.P.C. has not alleged anything else except assault by the petitioner. It is further submitted that the informant and the petitioner are on inimical terms and charge-sheet has already been submitted.

However, learned APP for the State opposes the prayer for bail stating therein that the Medical Board has assed the victim as a minor and on medical examination there were signs of rape and being a minor the victim girl was not in a position to state anything, as is evident from her statement under Section 164 Cr.P.C.

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 POCSO Case No. 23/17, arising out of Puraini P.S. Case No. 99/17, pending in the court of learned Special Judge, POCSO Act, Madhepura.

The application is, accordingly, rejected.

**(Nilu Agrawal, J)**

Rajesh/-

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