

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39377 of 2018

Arising Out of PS.Case No. -4 Year- 2018 Thana -MAHILA PS District- AURANGABAD

=====

Amarlok Paswan, S/o Sri Sanjay Paswan, Resident of Village- Jaitpur,
P.S.- Haspura, District- Aurangabad.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Advocate
Mr. Lakshmi Kant Sharma, Advocate
Mr. Premshankar Kumar, Advocate
For the Opposite Party/s : Mr. Sri Uday Pratap Singh, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 25-07-2018 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with Mahila P.S. Case No.04 of 2018 registered for the offences punishable under Sections 448 and 376 of the Indian Penal Code and Section 4 of POCSO Act.

This petitioner is neighbour of informant, who in absence of male member of the family of informant, allegedly committed rape on her.

It has been submitted that the family members of the petitioner are on inimical term with the family of informant for which a criminal case is pending between two families since 1995. The victim was produced before the doctor, who has not



found any sign of rape on her. The petitioner has been implicated at the instance of local people who were hostile to the petitioner. The petitioner is in custody since 23.02.2018 having clean antecedent.

The learned A.P.P. for the State opposed the submission.

From perusal of the F.I.R., it appears that the occurrence took place in absence of male members when the informant was at her home. This petitioner allegedly told her that her cow had broken the rope and as soon as the informant came out, the petitioner caught her and lifted towards nearby field where he committed rape on her. The informant raised alarm whereupon the local people assembled there. The victim disclosed about said occurrence. During investigation, the witnesses have also supported the allegation of rape against the petitioner which finds support from paragraphs 5, 6, 9, 11 and 17 of the case diary.

Considering the facts and circumstances of the case as well as specific allegation of rape against the petitioner, I am not inclined to enlarge him on bail. Prayer of bail is accordingly rejected.

(Sanjay Kumar, J)

Harish/-

U			
---	--	--	--

