

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28952 of 2018

Arising Out of PS.Case No. -134 Year- 2018 Thana -NARPATGANJ District- ARRARIA

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Rupesh Ram S/o Maheshwary Ram, R/o Vill.- Belsandi, P.S.- Narpatganj,
District- Araria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana

For the Opposite Party/s : Mr. Md. Nazir Ansari

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 02-07-2018 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Spl. (POCSO) Act Case No.14 of 2018 arising out of Narpatganj
P.S. Case No.134 of 2018 registered for the offences punishable
under Section 376 of the Indian Penal Code and Section 4 of the
POCSO Act.

The informant in her written report submitted before
S.H.O., Narpatganj P.S., Araria has alleged that in the midnight
of 12.03.2018 when she along with her friends were returning
home after attending marriage of her friend namely Puja, this
petitioner suddenly came from behind and started assaulting her
friends. The friends of the informant raised alarm and fled away.



The petitioner dragged the informant in maize field and committed rape on her. The informant disclosed the occurrence to her mother and thereafter in the next morning the mother of informant brought her to the police station where case has been registered.

It has been submitted that the petitioner and father of informant are co-villagers. The father of informant had given an amount of Rs.50,000/- to the grandfather of the petitioner as mortgage amount. The grandfather of the petitioner was not returning the said amount and so in order to give pressure on the petitioner's family, this case has been registered. It has been submitted that the victim was produced before the medical officer, who has not found any sign of rape on the victim.

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

From perusal of case-diary, I find that the informant was produced before the magistrate for recording statement under Section 164 of Cr.P.C. She has supported the allegation of rape against the petitioner and she has disclosed her age as 12 years. However, the magistrate has assessed her age as 14 years. In the case-diary I find that besides the informant, her friends who were present at the time of occurrence, have supported the allegation of



rape against the petitioner.

Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. The prayer of bail is accordingly rejected.

Harish/-

(Sanjay Kumar, J)

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