

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11400 of 2019**

Arising Out of PS. Case No.-414 Year-2018 Thana- JAGDISHPUR District- Bhagalpur

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RUPESH KUMAR Son of Saudagar Mandal Resident of Dhauri, P.S.-
Jagdishpur, Distt.-Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar Jha
For the Opposite Party/s : Mr.Rina Sinha

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 27-02-2019 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in Jagdishpur P.S. Case No.
414/2018, instituted for offences under Section(s) 376 (ii), (I)/34
of the Indian Penal Code read with Sections 6 of POCSO Act.

The victim/informant has alleged in the written report
that on 15.08.2018, on the pretext of marriage, this petitioner
along with one Rajeev Kumar took her to Patna and thereafter to
Bangalore. The petitioner sexually harassed the informant for
two days. Thereafter on 24.08.2018, petitioner left the informant
at Sultanganj and fled away.

Learned counsel for the petitioner has submitted that
victim has given her statement under Section 164 Cr.P.C., which
is enclosed as Annexure-2, wherein she has stated that she was



in love affair with the petitioner for last 4-5 months. She went to Ranchi and Bangalore with him and lived with him for two days. The victim has stated in her statement that this petitioner had kept her in Bangalore for two days and on the pretext of performing marriage established physical relation with her. On 24.08.2018, petitioner brought the informant to Sultanganj and fled away after leaving her. Thereafter, she reached at her house.

Victim girl has been medically examined. The doctor has assessed the age of victim to be between 14-16 years.

Considering the fact that petitioner has established physical relation with informant/victim, who was minor, by taking her to different places, this Court is not inclined to grant bail to the petitioner at this stage.

Accordingly, prayer for bail of petitioner is rejected at this stage.

The trial court is directed to expedite the trial and make efforts to conclude the same as early as possible preferably within a period of nine months from the date of receipt of this order.

(Sanjay Priya, J)

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