

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38175 of 2019

Arising Out of PS. Case No.-5 Year-2019 Thana- MAHILA PS District- Aurangabad

Krishna Paswan Son of Ramashish Paswan @ Ramashish Gahlot Resident of
Village - Bhandari, P.S. - Tandawa, District - Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Leelawati Kumari, Advocate

For the Opposite Party/s : Mr.Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 18-09-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner who is in custody since 27.02.2019 has filed the instant application for grant of bail in connection with Mahila P.S. Case No. 05 of 2019 registered for the offence punishable under sections 376, 323 and 506 of the Indian Penal Code and section 4 of the POCSO Act.

As per the allegation in the FIR, the petitioner is said to have committed rape on the informant who states herself to be aged about 13 years.

It is submitted by learned counsel for the petitioner that the allegations made in the FIR are false and concocted which is evident from the fact that while the occurrence is said to have taken place in the evening of 24.02.2019, the FIR was registered in the evening of 26.02.2019 without any justifiable



reason for the same. It is further submitted that in course of medical examination, the informant was found to be aged about between 18-19 years and that the medical report does not support the allegation. It is further submitted that the charge sheet has already been submitted in the case and the petitioner is in custody since 27.02.2019.

The application for bail has been opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the direct allegation against the petitioner as made in the FIR as also in the opinion of the doctor who conducted the medical examination of the victim informant that there is sign of sexual assault, the Court is not inclined to grant bail to the petitioner and as such his application for bail is rejected.

However, if so advised, the petitioner may renew his prayer for bail after completing one year in custody.

(Partha Sarthy, J)

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