

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52138 of 2019

Arising Out of PS. Case No.-24 Year-2019 Thana- BALIGAON District- Vaishali

RAJIV KUMAR Son of Kapur Chandra Singh @ Kapurchan Singh Resident
of Village - Digha Fatehpur, P.S.- Baligaon, Distt - Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dharmesh Kumar
For the Opposite Party/s : Mr.Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 27-09-2019 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The present petition has been filed for grant of regular
bail on behalf of the petitioner in connection with Baligaon P.S.
Case No. 24 of 2019 registered for the offence punishable under
Section 376 of the Indian Penal Code and Sections 4/8 POCSO
Act.

The allegation of the prosecution, as per the informant
is that the petitioner herein had forcibly entered the house and
committed rape with his daughter and when the informant and
his wife came back to their residence, they found that the
victim girl was lying in an unconscious state.

The learned counsel for the petitioner has submitted
that the victim girl is major and her medical report does not



corroborate the allegation of rape. It is submitted that the petitioner is languishing in custody since 28.03.2019.

I have heard the learned counsel for the parties and a bare perusal of the statement made by the victim girl before the learned Magistrate under Section 164 of the Code of Criminal Procedure would show that the victim girl has specifically stated that the petitioner herein had committed rape upon her whereupon she had become unconscious. In fact, a bare perusal of the entire case diary also shows that a *prima facie* case is definitely made out against the petitioner herein of having committed rape with the victim girl. In fact, the Sub-Divisional Police Officer, in his supervision note dated 24.04.2019, has stated that considering the investigation held up to date, inspection of the place of occurrence, statement of the informant and of the witnesses as also considering the various materials on record, the case appears to be true under Section 376 of the IPC and 4/8 of the POCSO Act as against the petitioner herein. In any case, the allegation levelled against the petitioner is not only serious but also a heinous crime has been committed by the petitioner herein for which *prima facie* ample material is available on record of the case to show the complicity of the petitioner herein, hence, I do not find any merit in the present



petition.

Accordingly, the prayer of the petitioner for grant of
regular bail is rejected.

(Mohit Kumar Shah, J)

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