

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.74735 of 2018

Arising Out of PS. Case No.-30 Year-2018 Thana- MAHILA P.S District- Supaul

Rameshwar Sada, age about 60 years Son of Birbal Sada Resident of Village-
Barmotra, P.S. Baluabazar, District- Supaul ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Amar Nath Yadav, Adv.

For the Opposite Party : Mr. Arun Kumar Singh -5

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 10-01-2019 Heard the learned counsel for the petitioner and the
learned counsel appearing for the State.

The petitioner is languishing in judicial custody since
07.03.2018 in connection with Supaul Mahila P.S. Case No. 30
of 2018 for the offences alleged under Sections 376D, 341 and
323 of the Indian Penal Code and 4 and 6 of the Protection of
Children from Sexual Offences Act.

The prosecution case, as lodged by the informant,
who is father of the victim, is that his younger daughter,
Mariyam Khatoon, came home and informed that his 15 years
old daughter, Subeda Khatoon, has been taken in the maize field
by the petitioner and other co-accused, Dev Chandra Sada, and
when he came to the place of occurrence found the victim in an
unconscious condition and the petitioner and other accused ran
away from the place of occurrence. The daughter of the
informant informed that both, the petitioner and the co-accused,
had committed rape on her.

It has been submitted by the learned counsel for the



petitioner that he is innocent, bears no criminal antecedent and has been falsely implicated in the aforesaid case. He submits that the medical examination report found no spermatozoa, live or dead.

Learned counsel for the State opposes the prayer for bail stating therein that the date of occurrence is 04.03.2018 and vaginal swab for pathological examination was done on 06.03.2018. He submits that the victim-girl is minor, as assessed by the medical board and that the victim-girl in her statement under Section 164 of the Criminal Procedure Code has stated that both, the petitioner and the co-accused, committed rape on her.

From the perusal of the case diary, it appears that her statement was recorded by the Additional Chief Judicial Magistrate, V, Supaul, on 21.03.2018, who has also found that the victim was not physically in a position to give statement, but, her statement has been accepted.

Considering the allegation, made against the petitioner, the prayer for bail is **rejected**.

(Nilu Agrawal, J)

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