

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70868 of 2018

Arising Out of PS. Case No.-148 Year-2018 Thana- SIMRI District- Buxar

Akhilesh Turha Son of Munna Turaha, Resident of Village- Bhedia @
Bhediya, P.S.- Simri, District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Choubey

For the Opposite Party/s : Smt. Usha Kumari No-1

Mr. Pramod Kumar Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 10-01-2019 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
POCSO Case No. 35 of 2018 for the offence punishable under
Sections 341, 323, 354(B), 354(C), 308, 376, 511 and 509 of
the Indian Penal Code and Section 8 of the POCSO Act.

The case of the prosecution in brief is that the victim
informant girl aged about 15 years was going to take tuition at
another village, namely, Kharahatand and when she reached at
the house of Chand Muni Devi, the petitioner herein caught hold
of the victim informant and pulled her into the house of Lalan
Kanu and committed rape upon her.

The learned counsel for the petitioner has submitted
that the petitioner has been falsely implicated in the present
case. In fact love affair was going on in between the petitioner



and the informant as is apparent from the letters exchange between them from time to time, hence the incident can at best be said to be consensual, thus the petitioner is entitled to the privilege of bail especially since he is having a clean antecedent and is languishing in custody since 13.07.2018.

I have heard the learned counsel for the petitioner and perused the materials on record as also the case diary and I find that the victim informant has supported the allegation levelled by her in the FIR in her statement made under Section 164 CR.P.C. before the learned trial court and has specifically stated that the petitioner had committed rape upon her. In fact the doctor who has examined the victim informant, has also opined that possibility of sexual act is present.

Considering the facts and circumstances of the case, I find that serious allegation of committing rape with a minor girl has been alleged as against 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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