

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14029 of 2020

Arising Out of PS. Case No.-291 Year-2019 Thana- RAMGARH District- Kaimur (Bhabua)

Gudan Ram @ Babloo Ram S/o Munna Ram, Resident of Village-
Dugurpura, P.S.- Ramgarh, Distt- Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar Singh

For the Opposite Party/s : Nirmala Kumari

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

4 13-07-2020 Heard learned counsel for the petitioner and Mr. Mritunjay Kumar Nirala, learned counsel for the State as well as Mr. Rajesh Kumar representing the informant through Video Conferencing.

In this case, the petitioner is seeking regular bail in connection with Ramgarh P.S. Case No. 291 of 2019 registered for offence punishable under section 376/34 of the Indian Penal Code and section 4 of the POCSO Act.

In this case, the victim girl on 28.11.2019 has narrated the whole story, in what manner, the petitioner has committed rape upon her. The police has brought the victim to the Magistrate where the same thing has been reiterated and her age has been assessed as 15 years.

Learned counsel for the petitioner submits that the



statement made in the FIR and the statement made under section 164 Cr.PC is not identical because in the FIR the victim has stated that she was putting on the cloth to her sister, but this fact is not in the statement made of the victim under section 164 Cr.P.C.

Normally, if any person gives a statement and later on the same is repeated, there would be some variation which is natural discrepancy in the statement that cannot be a ground to doubt on his/her statement. Further it has been stated that the doctor examined the victim, but did not find any sign of rape, but the victim even before the Magistrate has reiterated the statement of commission of rape upon her by the petitioner and she is minor.

In such view of the matter, this Court is not inclined to grant bail to the petitioner and accordingly his prayer for bail is rejected.

(Shivaji Pandey, J)

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