

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23107 of 2020

Arising Out of PS. Case No.-306 Year-2019 Thana- KARAKAT District- Rohtas

RAJA BABU KUMAR SAH Son of Binod Sah @ Binod Kumar Sah
Resident of Village- Malpura, P.S.- Karakat, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Siddharth Harsh, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 25-11-2020 Heard Mr. Siddharth Harsh, learned counsel for the petitioner and Mr. Nawal Kishore Prasad, learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioner seeks regular bail in connection with POCSO Case No. 109 of 2019 arising out of Karakat P.S. Case No. 306 of 2019 registered for the offence punishable under Section 376 of the Indian Penal Code 1860 and Sections 4/6 of the POCSO Act.

The allegation as per the First Information Report is that the petitioner committed rape upon the informant (victim).

Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and petitioner as well as the informant was having love affairs



between them and it was a consensual relationship between the petitioner and the victim girl. Learned counsel further submits that the informant is aged about 17 years as assessed by the Medical Board and she may be treated as major. Learned counsel also submits that both the parties have compromised the case and petitioner is ready to marry with the victim girl. Learned counsel also submits that charge sheet has been submitted and the charges have been framed against the petitioner.

On the other hand, learned counsel for the State submits that it has come in the case diary that the victim girl was aged about 16 years and is minor. Learned counsel further submits that from perusal of the impugned order it would be evident that the victim girl has supported the prosecution case in her statement recorded under Section 164 Cr. P.C.

Having heard learned counsel for the parties and taking into consideration the materials on record and the fact that there is direct allegation against the petitioner and during course of investigation it has come to light that the victim is a minor. Accordingly, I am not inclined to grant regular bail to the petitioner at this stage.

As such, the prayer for bail of the petitioner stands



rejected.

However, the petitioner may renew his prayer for bail
after six months if the trial does not show any progress.

(Anil Kumar Sinha, J)

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