

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.614 of 2019

Arising Out of PS. Case No.-186 Year-2018 Thana- SURYAGARHA District- Lakhisarai

SANJEEV KUMAR, aged about 15 years, as Guardianship namely Punam Devi, aged about 25 years, Bhabhi of the petitioner, Son of Bankey Sao, Resident of Village - West Salempur, Chamru Chak, P.S.- Surajgarha Manikpur, Distt - Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Amrendra Kumar
For the Respondent/s : Mr. B.N. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

6 22-05-2020 Heard Mr. Amrendra Kumar, the learned counsel appearing on behalf of the petitioner and Mr. B.N. Pandey, the learned Additional Public Prosecutor.

This case is taken up through video conferencing.

The petitioner in this revision petition seeks bail in Surajgarha (Manikpur) P.S. Case No.186 of 2018, registered under Sections 323 and 376 of the Indian Penal Code as well as under Sections 04/09 (K) (L) (Q) of the POCSO Act.

The informant alleged that the petitioner being his own nephew committed rape with his physically challenged daughter and on account of such rape his daughter is carrying pregnancy.

Learned counsel for the petitioner submits that the petitioner is innocent. Petitioner happens to be own cousin of the victim. It is beyond imagination that a brother commits rape with



his own cousin sister. There is a bona fide land dispute between the father of the petitioner and the father of the victim and on account of which this false case has been lodged. The victim was residing with her married sister and she might have become pregnant from her brother-in-law but it appears from perusal of the FIR, Case Diary and the medical report that the victim is a physically handicapped and mentally retarded girl and there is allegation against the petitioner that taking advantage of her mental retardness, the petitioner continuously committed rape with her and on account of which the victim became pregnant. The victim in her 164 statement also reiterated the facts that it was the petitioner who repeatedly committed rape with her. The doctor also found that victim was carrying 20 weeks pregnancy.

Taking into consideration the facts, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of the petitioner is rejected.

Consequently the revision petition is dismissed.

(Prabhat Kumar Jha, J)

S.KUMAR/-

U		T	
---	--	---	--

