

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4752 of 2020

Arising Out of PS. Case No.-55 Year-2019 Thana- MAHILA PS District- Jehanabad

Saheb Manjhi @ Ramesh Kumar, aged about 18 years, Male, Son of Duleshar Manjhi, Resident of Village - Kasari, P.S.- Parasbigha, Distt - Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivendra Prasad

For the Opposite Party/s : Mr. Awadhesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 11-06-2020 Heard Mr. Shivendra Prasad, the learned counsel appearing on behalf of the petitioner and Mr. Awadhesh Kumar Singh, the learned Additional P.P through video conferencing.

The petitioner seeks bail in Jehanabad Mahila P.S. Case No.55 of 2019, registered under Section 376 of the Indian Penal Code and under Section 4 of the POCSO Act.

The victim alleged that on 28.08.2019 while she was plucking *Kundari* in an orchard, the petitioner, who was sitting from before, came and put her down on the ground and forcibly committed rape with her.

Learned counsel for the petitioner submits that the informant named some lady as a witness but she did not support the prosecution case. The victim was examined by a doctor but no sign of rape was found. It is further submitted that the case



has been compromised and the petitioner is rotting in jail since 18.10.2019.

Mr. Awadhesh Kumar Singh, the learned Additional P.P. has opposed the prayer for bail.

It appears that the victim made specific allegation that it was the petitioner who forcibly put her down on the ground and committed rape with her while she was going to the orchard to pluck *Kundari*. The victim in her statement recorded under Section 164 Cr.P.C. also reiterated the same facts. During the course of investigation, the witnesses have also supported the factum of occurrence. The victim was brought to the doctor on 29.08.2019. the victim was examined only after 24 hours of the occurrence and the doctor found no sign of recent rape but in view of the fact that there is specific allegation against the petitioner that he committed rape with the minor girl, I am not inclined to enlarge the petitioner on bail.

Accordingly, the prayer for bail of the petitioner is rejected.

(Prabhat Kumar Jha, J)

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