

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.86499 of 2019**

Arising Out of PS. Case No.-211 Year-2019 Thana- DIDARGANJ District- Patna

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RAJ BALLABH RAI Son of Late Mohit Rai Resident of Village - Didarganj
Mahavir Ghat, P.S.- Didarganj, Distt.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.Choubey Jawahar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 28-09-2020 Once again, no one has appeared on behalf of the petitioner despite repeated call. In this case for last three days, learned counsel for the petitioner was not present. The case diary has already been received.

This Court has been informed by technical assistant that link has been sent to the learned counsel for the petitioner and in fact he has also been telephonically informed.

Mr. Choubey Jawahar, learned APP for the State is present and submits that this case be disposed of on the basis of the materials available on the record.

In the aforesaid facts and circumstances, this Court proceeds to dispose of this matter on the basis of the materials available on the record.



Petitioner in the present case is seeking pre-arrest bail in connection with Didarganj P.S. Case No.211/2019 registered for the offence under Sections 341, 323, 504, 377 and 506/34 of the Indian Penal Code, Sections 4/8 of POCSO Act and Sections 67 and 67(B) of the I.T. Act.

The allegation against the petitioner is that on 09.07.2019 at about 8.00 pm the informant's brother came to the house and showed him one video in which this petitioner is seen establishing unnatural sexual relationship with the minor son of the informant. It is alleged that when the informant went to the house of this petitioner to ask him about the alleged act, the petitioner and his three sons abused the informant and asked him to go away.

Submission of the petitioner is that the petitioner was not caught and there is no authenticity of the said video. It is also stated in the application that both the parties have entered into a compromise and that it is a case of false implication because of mohalla politics.

Mr. Chaubey Jawahar, learned APP for the State has opposed the prayer for grant of anticipatory bail to the petitioner. It is submitted that the victim boy is a minor and it seems that the allegation against the petitioner is that of committing a very serious kind of offence against the minor. He



has also drawn the attention of this Court towards the statement of the victim boy made under Section 164 Cr.P.C. in which he has supported the allegation against the petitioner.

Having regard to the facts and circumstances of the case wherein there is specific allegation of commission of sexual offence which is in the nature of sexual abuse of the minor boy, I am not inclined to grant privilege of anticipatory bail to the petitioner. Prayer is refused.

This application is dismissed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

