

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12415 of 2021**

Arising Out of PS. Case No.-378 Year-2020 Thana- HILSA District- Nalanda

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DEVANAND SAW Son of Awadhesh Saw Resident of Village - Bhokilapar,
P.S.- Hilsa, Dist.- Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vibhuti Ranjan Sonvadra, Adv.

For the Opposite Party/s : Mr. Rajendra Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 30-07-2021 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under section 376 of the Indian Penal Code and section 8 of the POCSO Act.

As per allegation in the F.I.R., while the informant and his wife were away it is stated that the petitioner who was on the adjacent terrace, came on the terrace of the informant's house carrying a gun and misbehaved with the informant's daughters, took away amount of Rs.25,000/ and ornaments and also committed rape.

It is submitted by learned Senior counsel appearing for the petitioner that the allegations as levelled in the F.I.R. are false and concocted. The petitioner has been falsely implicated



in the case. The petitioner and the informant are agnates and the reason behind the false allegations are an F.I.R. lodged by the wife of the petitioner herein against the informant. It was to impose pressure that the instant false case has been registered. The informant has also beaten up the petitioner which would be evident from the injury report/prescription. The petitioner would not have remained home in case he had committed any offence. No independent witness has supported the case of the prosecution in course of investigation. Investigation in the case has concluded with submission of chargesheet. The petitioner is in custody since 10.8.2020.

The application for bail is opposed by learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the direct allegation against the petitioner which is supported by the statement of the minor daughter of the informant in her statement under section 164 Cr.P.C., the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

(Partha Sarthy, J)

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