

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.14010 of 2021**

Arising Out of PS. Case No.-52 Year-2020 Thana- MAHILA P.S. District- Siwan

Sanjeev Kumar @ Bhuwar @ Sanjeev Kumar Ram Son of Sri Bhagwan Ram  
Resident of Village - Ramgarha, Tola - Garauli, Police Station - Daraundha,  
District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Raghav Prasad, Adv.

For the Opposite Party/s : Mr. Madan Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

2      01-07-2021      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State through video  
conferencing.

The petitioner has filed the instant application for  
grant of regular bail in connection with Siwan Mahila P.S. Case  
no. 52 of 2020 registered under section 376(iii) of the Indian  
Penal Code and sections 3 and 4 of the POCSO Act.

As per allegation in the FIR, it is stated by the 14 year  
old informant that for the last one year the petitioner who is  
aged about 22 years had been teasing and threatening her and on  
the pretext of marriage, he continued to commit rape on her. On  
her getting pregnant, he got the same aborted. Subsequently, he  
was not ready to marry. It is further stated that once again on



29.8.2020 he committed rape on her and threatened that she would be killed, in case she disclosed about the occurrence to any other person.

It is submitted by learned counsel for the petitioner that on account of the father of the informant having failed to fix the marriage of the informant with the petitioner that a story has been concocted and the petitioner has been falsely implicated in the case. There is no explanation whatsoever for the delay in reporting when the alleged occurrence is stated to have been going on for the last one year. Further referring to the medical examination report as contained in Annexure-2 it is submitted that no mark of injury was found on any part of the body and there is no evidence of recent sexual activity. Further referring to the report contained in Annexure-3 it is submitted that on an examination conducted on the direction of the Superintendent of the Police with respect to the allegation of abortion, the doctor was of the opinion that no clinical or sonological evidence could be found regarding past abortion in 3-4 months. It is submitted that the petitioner is in custody since 19.9.2020, investigation in the case has concluded and he has no criminal antecedent.

The application for bail is opposed by learned Additional Public Prosecutor for the State.



Having heard learned counsel for the parties and taking into consideration the direct allegation against the petitioner of having committed rape on the minor informant, together with the fact that as per the medical report the age of the petitioner has been determined to be between 15-16 years, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

The learned trial Court is directed to expedite the trial.

**(Partha Sarthy, J)**

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