

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15868 of 2021

Arising Out of PS. Case No.-222 Year-2020 Thana- BABUBARHI District- Madhubani

Santosh Kumar Jha S/o Late Shasi Kant Jha R/o Village- Mauaahi, P.s.-
Babubarhi, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Anshuman, Adv.

For the Opposite Party/s : Ms. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 02-09-2021 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 4 of the POCSO Act.

As per allegation in the F.I.R., it is stated by the informant that the petitioner committed rape on her minor daughter.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. Referring to paragraph nos. 36, 84, 88 and 93 of the case diary, it is submitted that the medical board examining the alleged victim has not found the allegations levelled in the F.I.R. to be substantiated. Further from the statement of the witness under



section 161 Cr.P.C. it would transpire that there was some dispute with respect to land which is the cause of false implication. It is submitted that in the material that has transpired in course of investigation, no offence under section 4 of the POCSO Act would be made out. The punishment under section 7 of the POCSO Act, if accepted for the sake of argument, is between 3-5 years. The petitioner has no criminal antecedent, is in custody since 13.8.2020 and investigation in the case has concluded.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the allegation against the petitioner as levelled in the F.I.R. which is supported by the 12 year old victim-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)

Bibhash/-

U			
---	--	--	--

