

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20010 of 2021**

Arising Out of PS. Case No.-38 Year-2020 Thana- MAHILA PS District- Darbhanga

SUBODH PANDIT S/O RAM PRAKASH PANDIT @ KARORI PANDIT
R/O VILLAGE-SHISHO PASHCHIM, P.S.-SADAR (MABBI O.P.),
DISTRICT-DARBHANGA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Jagnnath Singh Mr.Pravashankar Mishra
For the Opposite Party/s	:	Mr.Dr.Mrityunjaya Kr.Gautam

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 01-09-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceeding.

The petitioner seeks bail in connection with Mahila P.S.
Case No.38 of 2020 (POCSO GR Case No.37 of 2020),
registered for the offence punishable under Section 376 of the
IPC and section 4/6 of POCSO Act.

The prosecution case in short is that on 26.07.2020 at
about 12:00 P.M. in the night while the informant was sleeping
in the kitchen room of her house, the petitioner, the next door
neighbour entered into her room and after pressing her mouth
with handkerchief, committed rape upon her. Thereafter, she
raised alarm and the petitioner fled away.

It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has not committed any offence



as alleged in the FIR. The allegations alleged in the F.I.R. against the petitioner is totally false and concocted and omnibus. He is falsely implicated in this case due to dirty village party politics. It is further submitted that father of the informant has set up this case against the petitioner with the help of her daughter due to annoyance with regard to a land which was executed in favour of this petitioner by one Laxminaiya Devi. Learned counsel has drawn attention of this Court towards the medical examination report of the victim at Annexure-2, wherein the opinion of the Doctor is “According to reports come from pathology and Radiological Department, there is no sign of sexual assault”. The petitioner has no criminal antecedent and has been languishing in custody since 30.07.2020.

Learned APP for the State opposed the prayer for bail by submitting that victim has supported the prosecution case in her statement recorded u/s 164 Cr.P.C. and that her age is 15 years.

Considering the facts and circumstances of this case, I am not inclined to grant bail to the petitioner.

The instant bail application is hereby dismissed.

(Anjani Kumar Sharan, J)

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