

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19102 of 2021**

Arising Out of PS. Case No.-14 Year-2020 Thana- MAHILA PS District- Katihar

RAJENDRA RAJAK @ RAJA SON OF DILIP RAJAK @ DILIP KR.
RAJAK R/O - DWASHAYA, P.S.- DANDKHORA, DISTRICT- KATIHAR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate

For the Opposite Party/s : Mr. Dilip Kumar no. 1, APP

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

5 16-11-2021

Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 376, 323, 506 and 34 of the Indian Penal Code and section 4 of the POCSO Act.

As per the prosecution case, the petitioner is stated to have committed rape on the minor informant.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. There was love affair between the parties. There is an unexplained delay of 7 days in lodging of the FIR. Neither the worn cloth nor any materiel was sent for forensic examination. The alleged victim is stated to be 17 -18 years old and as such no offence under the POCSO Act is made out. Other accused persons have



been exonerated in the case. A joint compromise has been filed, the parties having settled their dispute. The petitioner who has no criminal antecedent is in custody since 14.3.2020.

The application for bail is opposed by learned APP for the State who submits that there is direct allegation against the petitioner which has been supported by the minor informant in her statement under section 164 Cr.P.C.

Having heard learned counsel for the parties and taking into consideration the facts of the case together with the allegations in the FIR and the informant having supported the allegations 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.

The learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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