

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38249 of 2021**

Arising Out of PS. Case No.-231 Year-2020 Thana- HASPURA District- Aurangabad

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Ravi Ranjan Kumar @ Ravi S/o Vijay Mahto @ Vijay Singh Resident of
Village- Khutahan, P.S.- Haspura, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-12-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Haspura P.S. Case No. 231 of 2020 dated 30.11.2020 instituted
for the offences under Sections 376 and 306 of the Indian Penal
Code read with Section 4 of the POCSO Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 01.12.2020, is a person with clean
antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that from
bare perusal of the allegation as alleged in the F.I.R. it would
manifest that the victim who is alleged to be a minor alleges that
petitioner entered in her house in absence of her mother and
committed rape which was witnessed by the grandmother of the



victim and thereafter it is alleged that the petitioner again came and said that it is a matter of shame and ridicule so you put yourself on fire on which the informant tried to commit suicide by putting herself on fire and subsequently during the course of treatment she died which is evident from the postmortem report of A.N.M.C.H., Gaya.

Learned counsel for the petitioner submits that the petitioner is innocent and the F.I.R. has been instituted after a delay of eleven days. Further it does not stand to reason that merely on saying of the petitioner the informant would have committed suicide by putting herself on fire. Learned counsel for the petitioner denies the allegation of rape.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner and submits that the victim who was a minor alleged that she was raped by this petitioner in absence of her mother and the same was witnessed by her grandmother and thereafter she specifically alleges that on coaxing of this petitioner she put herself on fire and committed suicide. Learned A.P.P. further submits that prima-facie it appears that something had happened between the petitioner and the informant and even if the informant out of shame committed suicide as her grandmother had witnessed the



occurrence but then also she was a minor and her consent would not matter even if physical relation was established between the petitioner and the informant.

Considering the fact that the informant subsequently died during the course of treatment and that she had alleged rape by this petitioner in the F.I.R., the Court is not inclined to enlarge the petitioner on bail. His prayer for bail is thus refused.

(Satyavrat Verma, J)

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