

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24674 of 2021**

Arising Out of PS. Case No.-72 Year-2020 Thana- RAHIKA District- Madhubani

Om Prakash Mahto S/O- Bishundeo Mahto Resident of Village- Sapta, P.S.-
Rahika, Dist- Madhubani.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha

For the Opposite Party/s : Mr.Ram Bilash Roy Raman, APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

5 27-09-2021 Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner seeks bail in Rahika P.S. Case No. 72 of 2020 GR No. 27/2020, registered for the offence punishable under Sections 376(d), 54/34 of the Indian Penal Code, section 4/6 of the POCSO Act and sections 66(D), 67(A) of the IT Act.

As per the prosecution case, all the FIR named accused persons including this petitioner dragged the victim girl (minor) and after taking her in orchard committed rape on her and also took photographs.

It is submitted on behalf of the petitioner that petitioner has falsely been implicated in this case. FIR has been lodged after delay of seven days for which there is no plausible explanation. Further submitted that the victim has been



medically examined after lapse of one week and as such, no reliance can be place on the medical report. Petitioner is in custody since 01.07.2020 having no criminal antecedent.

Learned APP however, vehemently opposed the prayer for bail and submitted that it is a case of gang rape against minor victim girl. The victim girl has also supported the prosecution case in her statement under Section 164 and her age has been assessed between 14-15 years.

Considering the nature of allegation and statement of victim girl under Section 164 Cr.P.C, I am not inclined to enlarge the petitioner above-named on bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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