

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18581 of 2020

Arising Out of PS. Case No.-175 Year-2018 Thana- NARHATT District- Nawada

MITHUN RAJVANSHI S/o Rajendra Rajvanshi Resident of Village-
Babhaur, P.S.-Narhat, District-Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Akshay Lal Pandit, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 08-03-2021 Heard Mr. Mrigendra Kumar, learned counsel for the

petitioner and Mr. Akshay Lal Pandit, learned Additional Public

Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with Narhat
P.S. Case No. 175 of 2018, Special Case No. 45 of 2018
registered for the offence punishable under Section 376 of the
Indian Penal Code 1860 and Section 4 of POCSO Act.

The allegation as per the First Information Report is
that the petitioner on the pretext of marriage, established
physical relationship with the informant.

Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in this case inasmuch as
there is no material to show that the girl was minor and she was
having pregnancy of about 6-7 months. Learned counsel further



submits that in the medical report no sign of sexual intercourse was found and the age of informant was also not determined by the Doctor.

On the other hand, learned counsel for the State referring to the case diary submits that it has come during investigation and after medical examination that the victim girl is minor aged about 15 years and she was having pregnancy of about 6-7 months. Learned counsel next submits that the girl (informant) is minor and was not competent to give her consent.

Having heard learned counsel for the parties and taking into consideration the nature of allegation and the fact that the girl was found having pregnancy of about 6-7 months, I am not inclined to grant regular bail to the petitioner.

Accordingly, the prayer for bail of the petitioner stands rejected.

However, the petitioner may renew his prayer for bail after one year if the trial does not show any progress.

(Anil Kumar Sinha, J)

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