

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.33779 of 2021**

Arising Out of PS. Case No.-256 Year-2020 Thana- BETTIAH CITY District- West  
Champaran

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PAWAN RAUT SON OF MUNNA RAUT RESIDENT OF VILLAGE-  
JAGJIWAN NAGAR, P.S.- BETTIAH TOWN, DISTRICT- WEST  
CHAMPARAN.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Ms. Ashok Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

3      29-09-2021

Heard.

The present petition is by way of second attempt at the behest of the petitioner for grant of regular bail in connection with Bettiah Town P.S. Case No. 256 of 2020 for the offence punishable under sections 376(3) of the Indian Penal Code, 4/6 of POCSO Act and section 75.81 of J.J. Act in as much as the earlier petition filed by the petitioner for grant of regular bail had stood dismissed as not pressed.

The allegation is that the petitioner is stated to have committed rape upon the victim girl.

The learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in the present case, as would be apparent from the medical report, i.e. Annexure-3 to the present petition, which would show that



there is no recent sign of sexual assault. It is also submitted that the petitioner is languishing in custody since 3.5.2020.

Per contra, the learned Additional Public Prosecutor for the State, Shri Ashok Kumar, has vehemently opposed the prayer for bail and has submitted that the medical report definitely shows that the victim girl was raped by the petitioner and more over the victim girl has been found to be a minor girl, hence, even if the act is consensual in nature, the petitioner cannot be granted any benefit.

I have heard the learned counsel for the parties and perused the material available on record as also the case diary in question, from which it is apparent that prima facie a case is definitely made out against the petitioner regarding him having committed rape with the victim girl, hence considering the grievousness of the offence alleged as also taking into account, the materials available on record, I do not find any reason to reconsider the prayer of the petitioner for grant of bail, thus, the present petition stands dismissed.

**(Mohit Kumar Shah, J)**

Tiwary/-

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