

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27780 of 2020

Arising Out of PS. Case No.-39 Year-2020 Thana- SAKRA District- Muzaffarpur

SHIVJEE RAI S/o Dahaur Rai Resident of Village-Baji Bujurg, P.S.-Sakra,
District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Nawal Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 06-01-2021 Heard Mr. Abhay Kumar, learned counsel for the
petitioner and Mr. Nawal Kishore Prasad, learned Additional Public
Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with Sakra P.S.
Case No. 39 of 2020 registered for the offences punishable under
Sections 376 and 511 of the Indian Penal Code 1860 and Section 4 of
POCSO Act.

The allegation as per the First Information Report is that
the petitioner attempted to commit rape upon the minor grand-
daughter of the informant and alleged that she saw that the petitioner
was naked and had removed the paint of victim girl while attempting
to commit rape. The girl is said to be seven years old.

Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in this case due to dispute
between the parties inasmuch as the petitioner is neighbour of the



informant. Learned counsel further submits that the petitioner is aged about 55 years having three daughters and two sons and the prosecution story is highly improbable that he has attempted to commit committed rape upon seven years old minor girl.

On the other hand, learned counsel for the State referring to Paragaph 37 of the case diary submits that the statement of the victim girl has been recorded under Section 164 Cr. P.C. though she was not able to explain fully before the learned Magistrate, but she has indicated from her gesture that she was sexually abused.

Having regard to the submissions made by the parties and taking into consideration the materials on record in totality, 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 is not concluded within aforesaid period.

(Anil Kumar Sinha, J)

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