

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28391 of 2020

Arising Out of PS. Case No.-8 Year-2020 Thana- MAHILA PS District- Aurangabad

VISHVNATH SINGH @ VISHWANATH SINGH S/O Late Alakhdeo Singh
Resident of Village - Bhavanokhap, P.S. - Nabinagar, District - Aurangabad
(Bihar).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 08-01-2021 Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner seeks bail in Mahila P.S. Case No. 08 of 2020, registered for the offence punishable under Sections 376(3), 504 and 506 of the Indian Penal Code and section 4 of the POCSO Act and section 3(i)(r)(s)(w)(i)(ii), 3(2)(va) of the SC/ST (Prevention of Atrocities) Act.

As per the prosecution case, on 17.03.2020 at about 10.00 pm, this petitioner took the informant from her house to his Ashram on his motorcycle and committed rape with her and he continued committing rape for many days. Ultimately, on 24.03.2020, the informant somehow managed to flee away and reported the matter to Mahila PS, Aurangabad.



It is submitted on behalf of the petitioner that victim in her statement under Section 164 Cr.P.C has not said anything about this petitioner. Chargesheet has already been submitted. It is further submitted that petitioner is accused in one more case bearing Nabinagar P.S. Case No. 139 of 2010, but he has been acquitted after trial. Petitioner is in custody since 26.03.2020.

Learned APP however, vehemently opposed the prayer for bail and submitted that from medical report it appears that the victim girl is minor and in medical report her age is assessed between 16 to 17 years and rape has not been ruled out.

Considering the facts aforesaid and the nature of allegation, 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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