

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No. 38006 of 2021

Arising Out of PS. Case No.-24 Year-2019 Thana- BALIGAON District- Vaishali

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Rajiv Kumar S/O Sri Kapurchandra Singh @ Kapurachan Singh R/O Village -
Digha Fatehpur, P.S. - Baligaon, District - Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bishwajeet Singh, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

3 15-09-2021 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Mr. Tapeswar Sharma, the learned APP for the State.

The present petition is by way of second attempt at the behest of the petitioner for grant of regular bail in connection with Baligaon PS case no. 24 of 2019 under Sections 376(3) of Indian Penal Code



r/w 4/8 of POCSO Act, inasmuch as the prayer of the petitioner for grant of bail was rejected by this Court earlier vide order dated 27.09.2019, passed in Cr. Misc. no. 52138 of 2019.

The allegation of the prosecution, as per the informant is that the petitioner herein had forcibly entered the house and committed rape with his daughter and when the informant and his wife came back to their residence, they found that the victim girl was lying in an unconscious state.

The learned counsel for the petitioner has submitted that the petitioner is languishing in custody since 28.03.2019 and the trial is yet to be completed. The learned counsel for the petitioner has also referred to certain depositions of the private witnesses recorded by the learned trial court.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

I have heard the learned counsel for the parties and I find that there is no change in circumstance from the day the prayer of the petitioner for grant of bail was rejected on 27.09.2019, till date and moreover, the deposition of the witnesses examined during the course of the ongoing trial is not pertinent at this juncture and *prima facie*, this Court had, in its detailed order dated 27.09.2019, found that there were ample materials on record to show the complicity of the petitioner in the heinous crime of rape committed by him, hence



considering the accusation and gravity of the offence committed by the petitioner, I do not find any merit in the present petition, hence the same stands dismissed.

(Mohit Kumar Shah, J)

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