

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40955 of 2021**

Arising Out of PS. Case No.-83 Year-2021 Thana- PARIHAR District- Sitamarhi

Ravi Ranjan Kumar Sah Son of Muneshwar Sah Resident of Village- Pipra
Khurd, Ward No.05, P.S.- Parihar, District- Sitamarhi.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Kumar Jha

For the Opposite Party/s : Mr.Vinod Shanker Modi

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

4 10-12-2021 Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner seeks bail in Parihar P.S. Case No. 83 of 2021, registered for the offence punishable under Sections 457, 376(2)(G), 376(D)(A) of the Indian Penal Code and sections 4, 8, 10 of the POCSO Act.

As per the prosecution case, this petitioner committed rape with minor daughter of informant and while he was fleeing caught by father-in-law, brother-in-law of informant on the spot and handed over to the police. Informant's daughter is physically handicapped.

It is submitted on behalf of the petitioner that petitioner has falsely been implicated in this case. In fact, husband of informant and family members are involved in



gambling and they demanded money from petitioner and when petitioner refused to pay, informant and family members assaulted him and falsely implicated in this case. It is further submitted that the doctor has not found any sign of sexual intercourse and assessed her age between 17 to 19 years. Petitioner is in custody since 19.04.2021 having no criminal antecedent.

Learned APP however, vehemently opposed the prayer for bail and submitted that there is specific and direct allegation against petitioner of committing sexual assault with minor daughter of informant and the victim girl has also supported the prosecution case in her statement under Section 164 Cr.P.C. The court has assessed her age to be 13 years.

Considering the facts aforesaid and statement of victim girl under Section 164 Cr.P.C, 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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