

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42780 of 2021

Arising Out of PS. Case No.-24 Year-2019 Thana- MAHILA P.S. District- Vaishali

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ARUN KUMAR Son of Sevak Paswan Resident of Village - Derpura, P.S.-
Mahnar, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Adv.
For the Opposite Party/s : Ms. Reena Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 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 Vaishali Mahila P.S. Case No. 24 of 2019, for the offence punishable under Sections 376, 506 of the Indian Penal Code and Sections 4 & 6 of POCSO Act in as much as the earlier petition of the petitioner for grant of bail was rejected by an order dated 25.11.2019 passed in Cr. Misc. No. 75138 of 2019.

The victim girl, who is the informant of this case, has alleged that while she had gone to banana orchard to ease out, the petitioner herein had dragged her inside the orchard and raped her.

The learned counsel for the petitioner has submitted



that the petitioner is languishing in custody since 9.6.2019 and though till date, three witnesses have been examined during the course of trial, but two out of them have turned hostile.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail and has submitted that the statement of the victim girl, under section 164 Cr. P.C., was recorded by the learned Magistrate which is on record, wherein the victim girl has corroborated the incident of rape at the hands of the petitioner, hence no mercy should be shown to the petitioner.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record, this Court finds that there is no change in circumstances from the day the prayer of the petitioner for grant of bail was rejected earlier on 25.11.2019, till date, hence 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)

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