

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 37555 of 2020

Arising Out of PS Case No.-5 Year-2020 Thana- MAHILA PS District- Gaya

Binay Manjhi, aged about 26 years (Mal), Son of Rambali Manjhi, Resident of Village- Bhindas, PS Wazirganj, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Jitendra Narain Sinha, Advocate
For the State	:	Mr. S M Rahman, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 05-02-2021

Heard Mr. Jitendra Narain Sinha, learned counsel for the petitioner and Mr. S M Rahman, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner is in custody in connection with Mahila PS Case No. 05 of 2020 dated 13.06.2020, instituted under Sections 376A of the Indian Penal Code and 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.

3. The allegation against the petitioner is that he committed rape on the three years old daughter of the informant, who was witness to the same.

4. Learned counsel for the petitioner submitted that the police has not followed the prescribed procedure in law as there was no medical examination of the petitioner. It was further submitted that it cannot be believed that a three years old girl would be left behind in the house alone. Learned counsel submitted that the petitioner is in custody since 14.06.2020.



5. Learned APP submitted that no mother would give a statement that her three years old daughter was raped unless it is true and it is but natural in the village that the mother who is working is forced to leave the child at the house and go out to earn so that there is food for the family. It was further submitted that there is no reason for any false implication and raising of such allegation which also harms the reputation of the entire family of the informant. It was further submitted that the petitioner was caught by the villagers in an intoxicated state and the same has been supported by witnesses. He submitted that the medical report fully supports the allegation.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant bail to the petitioner.

7. Accordingly, the application stands dismissed.

8. However, in view of prayer made by learned counsel for the petitioner, let the Court below expedite the trial.

(Ahsanuddin Amanullah, J.)

P. Kumar

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