

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.40438 of 2020

Arising Out of PS. Case No.-70 Year-2020 Thana- NASRIGANJ District- Rohtas

DILIP KUMAR, SON OF SATYENDRA SINGH, RESIDENT OF VILLAGE
POKHRAHA, POLICE STATION NASRIGANJ, DISTRICT ROHTAS

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh
For the State : Mr. Abhay Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

4 14-06-2021 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State, through video
conferencing.

The petitioner seeks regular bail in connection with
POCSO Case No. 26 of 2020, arising out of Nasriganj Police
Station Case No. 70 of 2020, registered for the offences
punishable under Section 376 of the Indian Penal Code and
Section 4 of the Protection of Children from Sexual Offences
Act, 2012.

The allegation, as per the First Information Report, is
that while the victim, who was a minor, was cooking food at her
home, the petitioner arrived there and forcibly took her to the
field, situated behind her house and committed rape upon her.



Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to village rivalry. The occurrence has taken place on 01.05.2020 at 06:30 PM and the story made in the First Information Report is highly improbable inasmuch as in course of investigation, except the victim and her parents, no other witness has been examined by the police. He next submits that in the medical examination of the victim, the doctor has not confirmed the commission of rape and has assessed the age of the victim between 17 and 18 years.

On the other hand, learned Additional Public Prosecutor, referring to the case diary, submits that the victim has supported the allegation in her statements, recorded under Section 161 as well as 164 of the Code of Criminal Procedure, 1973 and she has categorically stated that the petitioner has committed rape upon her.

Having heard learned Counsel for the parties and taking into consideration the materials on record, particularly the statement of the victim, recorded under Section 164 of the Code of Criminal Procedure, 1973, I am not inclined to grant regular bail to the petitioner.

This application is, accordingly, dismissed.

However, it is expected that the learned Court below



will try to conclude the trial of this case as early as possible.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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