

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1376 of 2021

Arising Out of PS. Case No.-8 Year-2020 Thana- PASRAHA District- Khagaria

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RITESH KUMAR Son of Bahadur Yadav Resident of Village - Kulharia, P.S.-
Parbatta, Distt.- Khagaria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Viveka Nandsingh, Adv.

For the Opposite Party/s : Mr.Md.Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 06-04-2021 Heard learned counsel for the petitioner and learned APP
for the State through virtual court proceeding.

The petitioner seeks bail in connection with POCSO Case No.01/20 arising out of Pasraha P.S. Case No.08/20 registered for the offence punishable under Sections 376(F)/34 of the Indian Penal Code and section 4 of the POCSO Act.

Prosecution case in short is that the petitioner committed rape upon the minor daughter of the informant and was caught hold on the spot itself.

It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case and has not committed any offence as alleged in the FIR. Petitioner has been implicated in this case due to dirty village politics. It is submitted that there is case and counter-case between the



parties. Informant is not the eye-witness to the alleged offence. Petitioner has no criminal antecedent as mentioned in para-3 of the petition and has been languishing in custody since 30.01.2020.

Learned APP for the State opposed the prayer for bail and submitted that there is a specific allegation against the petitioner that he has committed penetrative sexual assault with the victim and she has supported the prosecution version in her statement recorded u/s 164 Cr.P.C. and disclosed the name of the petitioner, as such, petitioner may not be granted the privilege of bail.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail is hereby rejected.

Learned trial court is directed to expedite the trial.

(Anjani Kumar Sharan, J)

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