

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5191 of 2021**

Arising Out of PS. Case No.-169 Year-2020 Thana- KHARHAGPUR District- Munger

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RUPESH KUMAR SON OF KANHAYA SAH R/O VILLAGE- KHAIRA,
P.S.- KHARAGPUR, DISTRICT- MUNGER.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Anuj Kumar, Advocate
For the Opposite Party/s	:	Dr. Ajeet Kumar, A.P.P.
For the Informant	:	M/s Pranab Bardhan Prashant Kumar, Advocates

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 21-06-2021 Heard learned counsel for the petitioner, learned APP

for the State and learned counsel for the informant through

video conferencing.

The petitioner has filed the instant application for
grant of regular bail in connection with Kharagpur P.S. Case
no.169 of 2020 registered under sections 354B, 341, 323, 342,
504, 506 and 34 of the Indian Penal Code and section 8 of the
POCSO Act.

As per allegation in the FIR, while informant had
gone to the shop of Prabhu Sao, it is stated that the petitioner
herein holding and stating that he would marry her, attempted to
commit rape. It is further stated that subsequently his mother
reached there and who assaulted her, as a result of which, she



fell down unconscious. Subsequently on regaining consciousness she found herself in her house. As a result of panchayati there was delay in reporting the matter.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. Occurrence is alleged to have taken place on 2.7.2020. No reasonable explanation has been given for delay of three days in lodging of the FIR. From perusal of the FIR, it transpires that it was the informant who had gone to the house of the petitioner. Referring to the medical report, it is submitted that the age of the informant has been found to be 16 to 17 years. The delay has not been explained and the independent witnesses whose statement have been recorded in course of investigation have stated about the love affair between the informant and the petitioner. The petitioner is in custody since 6.7.2020. Investigation in the case has concluded and he has no criminal antecedent.

The application for bail is opposed by learned APP for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that there is specific allegation against the petitioner and the victim is a minor girl.



Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the statement of the victim under section 164 Cr.P.C., the contents of the medical report, the statements of the independent witnesses recorded in paragraph nos. 48, 49 and 50 of the case diary and the petitioner having remained in custody for 11 months, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Kharagpur P.S. Case no.169 of 2020 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge VI – cum – Exclusive Special Court (POCSO Act), Munger.

(Partha Sarthy, J)

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