

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8309 of 2021

Arising Out of PS. Case No.-346 Year-2020 Thana- ALAMGANJ District- Patna

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RAUSHAN KUMAR @ RAUSHAN Son of Jai Prakash Sao Resident of
Village-Bihari Road, Hilsa, P.S.-Hilsa, District-Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 29-06-2021 Heard learned counsel for the petitioner and learned APP
for the State through video conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with Alamganj P.S. Case No.346 of 2020 registered under section 376 of the Indian Penal Code and sections 6 and 8 of the POCSO Act.

As per allegation in the FIR, while the informant was sleeping along with other relatives, it is stated that on waking up late into the night, she found the petitioner committing rape on her.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the case. From perusal of the FIR it would transpire that the parties are close relatives. The story narrated in the FIR on the face of it



appears to be false and concocted. It is alleged that rape was committed by the petitioner when all relatives were sleeping in the same room. The petitioner is in custody since 19.6.2020 and has no criminal antecedent.

Learned APP for the State has opposed the application for bail.

Having heard learned counsel for the parties and taking into consideration the materials on record it transpires that there is direct allegation against the petitioner of having committed rape on the minor informant whose age has been estimated to be between 14-16½ years. In the facts of the case, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

(Partha Sarthy, J)

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