

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9411 of 2021

Arising Out of PS. Case No.-54 Year-2020 Thana- MAHILA PS District- Darbhanga

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ROHIT KUMAR JHA S/O- SONU KUMAR JHA R/O VILL- BITHAULI,
P.S.- SIMRI, DIST- DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Gajendra Kumar Singh
		Mr.Manish Kumar No.2, Advocates
For the Opposite Party/s :		Mr.Uma Shankar Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 09-09-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceeding.

Petitioner seeks bail in connection with POCSO G.R.
No.47 of 2020 arising out of Darbhanga Mahila P.S. Case
No.54/2020, registered for the offence punishable under section
376DA of the IPC and section 4/6 of the POCSO Act.

The prosecution case in short is that on 12.09.2020, her
parents scolded her for study, so she went from the house and
came near Bithauli Chowk. Thereafter, one person came to her
and from the auto of the petitioner took her to his house and
committed rape upon her. It is alleged that on the next date, the
auto person came along with a boy and assured her to take her
to her house. Thereafter, he took the auto to a lonely place and



both committed rape upon her. In the night one other boy came and all of them committed rape upon her. Thereafter, in the morning, one person took her away in the market and left her near the pond, where police came and recovered her. On her disclosure, petitioner and other two accused persons were also arrested.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has not committed any offence as alleged in the FIR. No offence as alleged has ever taken place. He has been falsely implicated in this case due to local politics. On perusal of the FIR, it transpires that in the manner in which the entire occurrence has been described creates a doubt about commission of the offence by the petitioner and other accused persons. There is an inordinate delay in filing of the FIR and it also creates serious doubt. The petitioner has no concern with Shrawan Sahni. The petitioner has no criminal antecedent and has been languishing in custody since 15.09.2020.

Learned APP for the State opposed the prayer for bail and submits that the victim has supported the prosecution version in her statement recorded u/s 164 Cr.P.C.

Considering the facts and circumstances of this case,



since the victim has supported her case in her statement u/s 164
Cr.P.C., I am not inclined to grant bail to the petitioner.

Accordingly, bail application of the petitioner is hereby
dismissed.

(Anjani Kumar Sharan, J)

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