

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9859 of 2021

Arising Out of PS. Case No.-15 Year-2020 Thana- MAHILA P.S. District- Muzaffarpur

Rohan Kumar @ Amnish Raj @ Awnish Ray (male), aged about 23 years,
Son of Umesh Kumar @ Umesh Mahaseth Resident of Village - Kanta, P.S. -
Gaighat, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vipin Kumar,Adv.

For the Opposite Party/s : Mr.Nityanand,APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 25-06-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Muzaffarpur Mahila P.S.
Case No. 15 of 2020, registered for the offence under Sections
341, 342, 506 and 376 of the Indian Penal Code.

As per the prosecution case, this petitioner is said to
have committed rape upon the informant, who is minor.

It is submitted on behalf of petitioner that there was
dispute between the parties. As a matter of fact, father of the
informant was running a tea shop under the tenancy of own
brother of petitioner's father and subsequently, the shop is being
managed and maintained by the father of the petitioner and
since father of the petitioner asked the informant's father to
vacate the shop, this false case has been lodged against the
petitioner. It is further submitted that in the medical examination



of the informant, the doctor has not found any sign of sexual intercourse. Petitioner claims clean antecedent and he is in custody since 01.10.2020.

However, learned A.P.P. for the State opposed the bail petition and submitted that victim is a minor girl, aged about 12 years, and she has fully supported the prosecution case in her statement recorded under Section 164 of the Cr.P.C.

Considering the nature of allegation and statement of the victim girl recorded under Section 164 Cr.P.C., I am not inclined to grant bail to the petitioner and same is, accordingly, rejected.

(Prabhat Kumar Singh, J.)

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