

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2861 of 2022

Arising Out of PS. Case No.-392 Year-2021 Thana- CHANPATIA District- West Champaran

Kishundeo Barayee Son Of Late Ganesh Barayee Resident Of Village -
Sonara Tola, Ward No. -15, Police Station - Chanpatia, District - West
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akhileshwar Kumar Shrivastva

For the Opposite Party/s : Mr. Binay Krishna (Spl. PP)

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 06-12-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with

Chanpatia P.S. Case No. 392 of 2019, registered for the

offences punishable under Sections 376 (A)(B) of the I.P.C.

and under Section 4 of the Protection of Children from Sexual Offences

Act and under Section 3 (I) (R)(S) (W-2), 2 (v)(v-A) of the SC/ST.

The prosecution story as emerging from FIR is that

the eleven years old daughter of the informant was forcibly

taken by the sole accused into his house and ravished by

him.

The learned counsel for the petitioner submits that



the petitioner is innocent and has falsely been implicated in this case. He further submits that the FIR has been lodged after delay of five days from the date of occurrence. He also submits that the age of petitioner is above 66 (sixty six) years.

The petitioner has been languishing in jail since 07.08.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has no criminal antecedent.

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail submitting that the alleged offence is serious in nature and fully supported by the statement of alleged victim as recorded under Section 164 of Cr. P.C.

Considering the aforesaid facts and circumstance, I am not persuaded to enlarge the petitioner on bail at this stage.



The application stands rejected accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

ramesh/-

U		T	
---	--	---	--

