

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3228 of 2022

Arising Out of PS. Case No.-404 Year-2021 Thana- BANIAPUR District- Saran

Rajendra Ram Son of Deolal Ram Resident of Village- Pirauta, P.S.-
Baniyapur, District- Saran (Chapra).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh

For the Opposite Party/s : Mr. Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

6 06-12-2022 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with
Baniyapur Police Station Case No. 404 of 2021, registered
for the offences punishable under Sections 376, 504,
506/34 of the Indian Penal Code and Sections 4,6, and 8 of
the Protection of Children from Sexual Offences Act.

The prosecution story as emerges from the FIR is
that the accused-petitioner made physical relationship with
the victim on the pretext of marriage and also made video of
such relationship. Further, when the victim got pregnant, he
refused to marry her.



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 allegation is made only for the sake of exerting pressure upon the accused-petitioner to marry her. He further submits that as per medical report, the alleged victim is aged between 18 to 20 years. However, the petitioner is already married and he has been languishing in jail since 28.10.2021.

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 in the present case.

It has further been stated in paragraph no. 3 of the petition that the petitioner has no criminal antecedents.

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 as per allegation, the alleged victim is minor and subjected to ravishment on the pretext of marriage and she even got pregnant. The prosecution case is also supported by



statement of the alleged victim as recorded under Section 164 of the Cr.P.C. and Trial in this case is at advance stage.

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

The application stands rejected accordingly.

However, if the trial is not concluded within six months, the petitioner has liberty to renew his prayer for bail.

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)

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