

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4657 of 2022

Arising Out of PS. Case No.-117 Year-2021 Thana- KESARIA District- East Champaran

Satendra Pandit, Son of Kapildev Pandit, R/O Village- Sevraha, P.S.-
Harsiddhi, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pankaj Kumar Jha, Advocate
For the Opposite Party/s	:	Mr. Satyendra Prasad, APP
For the Informant	:	Mr. Sanjay Kumar Tiwari, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 16-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Kesariya P.S. Case No. 117 of 2021 registered
for the alleged offences under Section 376(A)(B) of the Indian
Penal Code and Sections 4, 6 and 10 of the POCSO Act and
Section 67(B)(C) of I.T. Act.

As per prosecution case, the petitioner entered into
the house of the informant when she was away and only her
minor daughter was in the house. Thereafter, the petitioner
committed rape with the minor daughter of the informant by

giving her threats and the co-accused friend of the petitioner recorded a video of this act of rape. They threatened the daughter of the informant not to disclose this occurrence to anyone otherwise they would kill the younger brother and mother of the victim girl. However, the video of the rape was made viral by the petitioner and uncle of the victim girl also received this recording.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. Learned counsel further submits that occurrence took place on 28.03.2021 but the written report was given to the police on 10.04.2021 and there is no explanation for the said delay. The statement of the victim was recorded under Section 164 Cr.P.C. and from this statement, it appears that petitioner was a regular visitor to the house of the victim girl and she appears to be a consenting party. The age of the victim girl was assessed during medical examination and was found to be more than 19 years. Learned counsel further submits that there is land dispute between the father-in-law of the petitioner and the informant due to which the informant has lodged this false and concocted case with police. Charge sheet has been submitted in this case and the petitioner is in custody since 11.04.2021.

Learned APP for the State as well as learned counsel appearing on behalf of the informant vehemently oppose the prayer for bail of the petitioner. Learned counsel for the informant submits that there is specific allegation against this petitioner that he committed rape with the minor daughter of the informant and threatened her. A video clip was also circulated by this petitioner.

Having regard to the facts and circumstances and considering the serious and grave nature of allegation against this petitioner, I am not inclined to enlarge the petitioner on bail and hence, his prayer for grant of bail is rejected.

The learned trial court is directed to expedite the trial and conclude the same at the earliest.

(Arun Kumar Jha, J)

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