

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.11275 of 2022**

Arising Out of PS. Case No.-45 Year-2021 Thana- MAHILA PS District- Jehanabad

Jitendra Kumar Son of Kamaldeo Yadav Resident of Village - Parsauna, P.s.-  
Barabar Paryatak, Distt.- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Mohammad Sufyan, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA  
ORAL ORDER**

3      28-07-2022                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be  
removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the  
offences punishable under Section 376 of the Indian Penal Code  
read with Section 4 of POCSO Act and Section 3(1)(r)(s)(w),  
3(2)(Va) of SC/ST Act.

According to prosecution case, as per the written  
petition of the informant-cum-maternal grand mother of the  
victim in short is that on 18.11.2021 she had gone to Sonapur  
Mela for taking bath in the river Ganga and the victim aged  
about 13 years and husband of the informant were in the house.  
It is further alleged that in the night of 19.11.2021 a ‘Barat’ had



arrived in the house of her neighbor and the victim went to see 'Barat' at about 7 p.m. It is further alleged that the husband of the informant hears less and the victim knocked the door several times but the door was not opened and the victim was trying to open the door in the meantime petitioner Jitendra Kumar came there and caught the victim from behind and tied her mouth with 'Gamcha' and took her in bush (Dewash) behind the house and committed rape forcibly. It is further alleged that when it became late in the night and the victim had not returned then her maternal grand father went to search her and the victim returned home about 11 p.m. and remained in the house. It is further alleged that on 21.11.2021 when the informant returned home then the victim narrated her the story and the victim informed 'Myukhiya' Jitendra Kumar who stated the informant to do needful according to her choice.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there is no eye witness of the alleged occurrence.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the statement of the victim girl recorded under



Section 164 Cr.P.C. in which she has categorically stated that the petitioner has committed rape upon her and medical report also confirms the same and he further submits that petitioner carries one criminal antecedent other than the present one.

Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with POCSO Case No. 90 of 2021 arising out of Jehanabad Mahila P.S. Case no. 45 of 2021 pending in the court of learned A.S.J.-VI-cum-Special Court, POCSO, Jehanabad.

Prayer is refused.

**(Rajesh Kumar Verma, J)**

mdrashid/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

