

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11737 of 2022**

Arising Out of PS. Case No.-201 Year-2021 Thana- JAMALPUR District- Munger

Dablu Singh @ Prashant Singh @ Prashant Kumar Son of Bharat Singh
Resident of Village - Indrukh, P.s.- Jamalpur (Safiabad), Distt.- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Karuna Nath Sahay

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

3 23-09-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Jamalpur P.S. Case no. 201 of 2021 instituted for the offence punishable under Section 376 of the Indian Penal Code and section 4 of the POCSO Act.

It is a case of commission of rape with the informant who is minor.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. As per the medical report, doctor has opined her age as 18-19 years. Petitioner has falsely been implicated in this case. In her statement recorded under section 164 Cr.P.C., she has not



raised any finger upon the petitioner for commission of rape.

Learned counsel for the informant and learned APP appearing for the State have opposed the prayer of bail and submitted that the informant is a minor girl which appears from her educational certificates. She herself lodged the FIR and stated about the complicity of the petitioner. During investigation victim has supported the prosecution case under section 161 Cr.P.C. In several paragraphs of case diary witnesses have also supported the prosecution story.

Having heard learned counsel for the parties and considering the facts that there is direct allegation of rape against the petitioner , I am not inclined to grant bail to the petitioner and, as such, his application for bail is rejected.

However, if the petitioner surrenders and prays for regular bail, the same may be considered by the court below on its own merit without being prejudiced by this order of rejection.

(Sunil Kumar Panwar, J)

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