

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17766 of 2022

Arising Out of PS. Case No.-478 Year-2021 Thana- RAJIVNAGAR District- Patna

RAHUL DAS @ RAHUL KUMAR S/o Jageshwar Das Resident of Moh-Nepali Nagar, Chandra Vihar Colony, Near Charmuhani, P.S.- Rajiv Nagar, District- Patna, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Niraj Gopal Sharan
For the Opposite Party/s : Mr.Ram Naresh Ray

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 28-07-2022 Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner has preferred this application for grant of regular bail in a case registered under Sections 506 and 376 of the Indian Penal Code and Section 4 of the POCSO Act.

As per the prosecution case, the petitioner is alleged to have committed rape on the minor daughter of the informant while she was alone in her house. The co-accused person Rahul



Kumar, younger brother of the petitioner threatened her of dire consequences if she complained to the police.

Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case on account of dues of rent. The petitioner is a tenant in the house of the petitioner's parents. Nothing has been recovered from the conscious possession of the petitioner. Learned counsel further submits that the victim is a minor girl. The medical report did not support the allegation levelled against the petitioner. The petitioner has clean antecedent as stated at para 3 of the bail petition. Charge-sheet has been submitted. The petitioner is in custody since 30.10.2021.

Learned A.P.P. for the State as well as learned counsel for the informant has opposed the bail petition of the petitioner and submitted that there is specific allegation against the petitioner that he, after entering the house of the victim, raped her. It is further submitted that the medical examination was conducted after 3 days of occurrence. The prosecutrix is aged about 15 years.

Considering the aforesaid facts and circumstances as well as the specific allegation against the petitioner, I am not inclined to enlarge this petitioner above-named on bail.

Learned Trial Court is directed to expedite the trial



and conclude the same preferably within 9 months.

The application stands rejected.

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(Chandra Prakash Singh, J)

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