

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19939 of 2022

Arising Out of PS. Case No.-173 Year-2021 Thana- ALAMNAGAR District- Madhepura

ROHIT RAM Son of Jato Das, Resident of Village- Bari Paikat, Ward No.9,
P.S.- Pasraha, District- Khagaria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate

For the Opposite Party/s : Ms. Nirmala Kumari, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 12-08-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual mode.

The petitioner seeks regular bail in connection with
POCSO Case No. 48 of 2021, arising out of Alamnagar P.S.
Case No. 173 of 2021 lodged under Sections 366(A) and 376 of
the Indian Penal Code and Section 4 of the POCSO Act.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He further
submits that the present case has been filed only with a view to
take revenge because the said victim and the petitioner was
working in a dance party together and there is a dispute of
money between them. Learned counsel for the petitioner further

submits that petitioner is in custody since 06.10.2021 and charge sheet has already been filed in this case. He further submits that petitioner is a man of clean antecedent. Therefore, bail may be granted to him. He further submits that there is a contradiction on the point of recovery in the police version and the version made under Section 164 of Cr.P.C.. He further submits that the alleged date of occurrence is of 14.08.2021 but the case alleged to be filed on 04.09.2021 i.e. more than about 15 days.

Learned counsel for the State opposes the prayer for bail and submits that the direct allegation of rape was made by the victim in her statement under Section 164 of Cr.P.C.

In the present facts and circumstances of the case and the submissions made above, I am not inclined to grant bail to the petitioner at present. Accordingly, the bail petition of the petitioner is hereby rejected.

Petitioner may renew his prayer for bail after framing of charge in this case.

With this observation, this petition is disposed of.

(Dr. Anshuman, J.)

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