

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31078 of 2021

Arising Out of PS. Case No.-44 Year-2020 Thana- MAHILA P.S. District- Vaishali

RAJBALLAM KUMAR @ RAJBALLABH KUMAR S/O SUKKAN
MAHTO @ SUKAN MAHTO R/O VILLAGE-TAIYABPUR BIND TOLI,
P.S-DESARI, DISTRICT-VAISHALI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Surendra Kumar Singh Mr.Ganesh Prasad Singh
For the Opposite Party/s :		Mr.Alok Kumar Singh Mr.Navjot Yesu

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 19-07-2022 Heard learned counsel for the parties.

The petitioner apprehends his arrest in a case registered for the offence under Sections 376(A)(B), 323, 504 of the Indian Penal Code and Section 4, 7 & 8 of the POCSO Act.

As per the prosecution case, on 03.12.2020 at about 4:30 PM, while the minor grand-daughter of the informant was playing outside her house, this petitioner is alleged to have took her to a field and committed sexual assault upon her.

It is submitted on behalf of petitioner that petitioner has been falsely implicated in this case and he is own nephew of the informant and both are *parridars*. In fact, the informant had



taken Rs. 37,000/- from the petitioner and promised to return the same within two months, but he did not return and when petitioner demanded money from informant, this false case has been instituted against petitioner. It is further submitted that statement of the victim girl was recorded after lapse of three months and medical report does not support the prosecution case.

However, learned counsel for the informant vehemently opposed the bail petition and submitted that there is direct and specific allegation against this petitioner of committing sexual assault and the victim girl has supported the prosecution case in her statement recorded under Section 164 Cr.P.C.

Considering the nature and gravity of the offence, I am not inclined to extend the privilege of anticipatory bail to the petitioner and same is, accordingly, rejected.

(Prabhat Kumar Singh, J)

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