

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31267 of 2021**

Arising Out of PS. Case No.-108 Year-2020 Thana- MAHILA PS District- Buxar

BALI RAI @ SATYAM RAI Son of Ras Bihari Rai Resident of Village -
Sikraul, P.S.- Rajpur, Dist.- Buxar, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Surendra Kumar Singh, Adv.
For the Opposite Party/s	:	Mr. Bhanu Pratap Singh, A.P.P.
For the Informant	:	Mr. Parijad Saurabh, Adv.

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

4 07-02-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State through video conferencing.

The petitioner seeks bail in connection with POCSO P.S. Case No. 43 of 2020 arising out of Buxar (Mahila) P.S. Case No. 108 of 2020 registered for the offence under Sections 376(D) of the Indian Penal Code read with Section 4 and 6 of the POCSO Act, 2012.

The petitioner is said to have committed rape upon the informant in front of another co-accused.

Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and



has falsely been implicated in this case. He further submits that the doctor has not found any internal and external injury on the victim and also no sign of rape has been found on the person of the victim which is clearly evident from the injury report at Annexure-3. Therefore, no case under Section 376 of the Indian Penal Code is made out against the petitioner. The petitioner is rotting in judicial custody since 24.11.2020.

Learned counsel for the informant as well as learned A.P.P. for the State has, vehemently, opposed the prayer for bail of the petitioner and submits that the victim in her statement recorded under Section 164 Cr.P.C. has supported the prosecution version and the report received from the trial court reveals that the trial is going on. He also submits that there is direct allegation against the petitioner. Hence, the petitioner does not deserve to be enlarged on bail.

Considering the facts and circumstances of the case, I am not inclined to grant the privilege of bail to the petitioner. Accordingly, the prayer for bail of this petitioner is rejected. However, learned trial court is directed to expedite the trial.

(Rajesh Kumar Verma, J)

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