

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35337 of 2021

Arising Out of PS. Case No.-205 Year-2020 Thana- JHAJHA District- Jamui

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Santosh Marandi, S/o Bhairo Marandi, Vill. - Aasta, P.S. - Jhajha, Dist - Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anju Kumari, D/o- Suresh Marandi, R/o Vill. - Aasta, P.S. - Jhajha, District - Jamui.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Pankaj Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr. Brajendra Nath Pandey, APP
For the Informant	:	Mr. Satya Prakash Parasar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

7 28-02-2022 Heard Mr. Pankaj Kumar Sinha, learned counsel for the petitioner, Mr. Brajendra Nath Pandey, learned APP for the State and Mr. Satya Prakash Parasar, learned counsel for the informant.

The petitioner seeks bail in connection with Jhajha P.S. Case No. 205 of 2020 registered under Section 376 of the Indian Penal Code and Section 4 of the POCSO Act.

Learned counsel for the petitioner submits that the petitioner is in custody since 04.02.2021, as a person with clean antecedent, charge-sheet has been submitted and the informant alleges that she is a minor and on 29.06.2020 while she was sleeping the petitioner at 11.00 P.M. came to her house and



forcefully raped her. Learned counsel for the petitioner submits that the petitioner has been falsely implicated, the petitioner is own cousin brother of the informant, this relationship has been concealed in the F.I.R., further neither the father nor the mother of the informant in the statement before the police under Section 161 of Cr.P.C. disclosed the said relationship, further even the F.I.R. came to be instituted after a delay of two days, this in itself demonstrates that the F.I.R. came to be instituted by way of after thought on account of dispute, which is prevailing in the family.

The learned APP and the learned counsel for the informant opposes the bail application and submits that the informant is a minor, she has alleged the rape and even the injury report record that the victim might have been forced for sexual intercourse.

Learned APP submits that since the medical report though not with certainty, but definitely points the fact that the petitioner had some intimate/physical relationship with the informant, who is a minor.

Considering the submission that the informant is a minor and she has alleged that she was raped and even injury report does not rule out rape, the Court, for the present, is not



inclined to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner is
rejected.

(Satyavrat Verma, J)

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