

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41148 of 2021**

Arising Out of PS. Case No.-34 Year-2020 Thana- MAHILA P.S. District- Samastipur

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MUKESH KUMAR PANDIT S/O ARUN KUMAR PANDIT R/o village-
Gohi, P.S.- Warisnagar, District- Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

4 25-04-2022 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor appearing for the

State.

Petitioner seeks regular bail in connection with
Mahila P.S. Case No. 34/2020 registered for the offences
punishable under Sections 313, 376 of the Indian Penal
Code 1860 and Section 4 of the POCSO Act, 2012.

The allegation, as per the First Information
Report, is that the petitioner committed rape upon the minor
daughter of the informant and when the victim objected, she
was threatened and on the pretext of solemnizing marriage,
the petitioner continued to establish physical relationship
with the minor daughter of the informant, due to which, she



developed pregnancy.

Learned counsel for the petitioner submits that the petitioner is neighbour of the informant and there was cordial relationship between the two families and the girl used to come in the house of the petitioner. He further submits that there is delay in lodging of First Information Report for about five months inasmuch as the first occurrence had allegedly taken place on 30.01.2020, but no information was given to the Police.

On the other hand, learned counsel for the State referring to the statement of the victim girl recorded under Section 164 Cr. P.C. submits that the girl has supported the prosecution story and with regard to delay in lodging the First Information Report his submission is that sufficient explanation for delay is mentioned in the First Information Report. He further submits that since the girl is minor, therefore, there is no question of consensual relationship between the petitioner and the victim girl.

Regards being had to the submission made by the parties and taking into consideration the statement of victim girl recorded under Section 164 Cr. P.C., the fact that the



girl is minor and there is direct allegation against the petitioner of sexual assault, I am not inclined to grant regular bail to the petitioner.

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

(Anil Kumar Sinha, J)

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