

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42073 of 2021

Arising Out of PS. Case No.-140 Year-2021 Thana- HISUWA District- Nawada

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DEVAN RAJWANSHI Son of Kailash Rajwanshi Resident of Village-
Chitarghati, P.S.- Hisua, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Birendra Kumar

For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 20-04-2022 Heard the parties.

Petitioner seeks regular bail in connection with Hisua
PS Case No. 140 of 2021 registered under Sections 376 / 511 of
the IPC and Section 12 / 8 of the POCSO Act and Section 37
(C) of the Bihar Prohibition and Excise Act, 2016.

The allegation is that the petitioner had sexually
abused the minor daughter of the informant under the influence
of liquor.

Learned counsel for the petitioner submits that
petitioner has falsely been implicated in this case due to
previous enmity inasmuch as the wife of the petitioner has
lodged an FIR against the informant and his family members
alleging therein that the accused persons entered into the house
of the petitioner and tried to outrage the modesty of the



petitioner's wife. Learned counsel next submits that there is discrepancy in the prosecution story disclosed in the FIR and statement of the victim girl recorded under Section 164 of the CrPC in which she has stated that while she had gone to attend nature's call, the petitioner tried to commit sexual assault whereas in the FIR the informant has said that while the victim girl had gone to gram field where the petitioner tried to commit sexual assault.

Regard being had to the submissions made by the parties, taking into consideration the fact that in the breadth analyzer report petitioner was found in drunken condition and the victim girl has also supported the allegation against the petitioner in her statement recorded under Section 164 of the Cr.P.C., as such, I am not inclined to grant regular bail to the petitioner.

Accordingly, the prayer for grant of bail is rejected.

Let the trial be expedited.

(Anil Kumar Sinha, J)

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