

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42273 of 2021**

Arising Out of PS. Case No.-62 Year-2021 Thana- KESARIA District- East Champaran

RANJAN KUMAR Son of Sita Ram Das Resident of Village - Sobaiya Tola
Hariyarpur, P.S.- Kesariya, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Adv.

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

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

4 02-03-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Kesariya P.S. Case No. 62 of 2021 registered for the offence
under Sections 376 and 34 of the Indian Penal Code and
Section 4/8 of the POCSO Act.

The petitioner is said to have committed rape upon
the minor daughter of the informant.

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 prior to lodging of the present case, the
mother of the petitioner has lodged a case bearing Kesariya



P.S. Case No. 61 of 2021 against the family members of the informant and on account of that the petitioner has been implicated in this case. No occurrence as alleged in the F.I.R. has ever taken place. There is no eye witness to the alleged occurrence. The petitioner is rotting in judicial custody since 08.03.2021.

Learned A.P.P. for the State as well as learned counsel for the informant vehemently opposed the prayer for bail of the petitioner and submitted that there is direct allegation of commission of rape against the petitioner. The victim, who is minor, in her statement recorded under Section 164 Cr.P.C. has categorically stated that the petitioner has committed rape upon her and the doctor, who examined the victim, has assessed her age between 15-16 years and also opined that rape has been committed on the person of the victim. It has further been submitted that the medical report clearly supports the allegation leveled in the F.I.R. against the petitioner. Therefore, the petitioner does not deserve to be enlarged on bail.

Considering the facts and circumstances of the case and the rival submission of the parties and also the age of the victim, who is minor, this Court is not inclined to grant



the privilege of bail to the petitioner. Accordingly, the prayer
for bail of this petitioner is rejected.

However, the learned trial court is directed to
expedite the trial.

(Rajesh Kumar Verma, J)

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