

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34482 of 2022

Arising Out of PS. Case No.-319 Year-2019 Thana- PAROO District- Muzaffarpur

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RANJAN KUMAR SON OF CHANDESHWAR MAHTO R/O VILLAGE-
KATARU, P.S.- PAROO, DISTRICT- MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-09-2022 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offence under Sections 376/34 of the Indian Penal Code and
Section 3, 4 and 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 not committed any offence. In fact, the alleged occurrence
took place on 13.05.2019 whereas the FIR has been lodged on
09.08.2019 after lapse of almost three months without explaining
the plausible delay which itself creates doubt over the
prosecution version. He further submits that the allegation of the
petitioner is not proved by the medical evidence. The petitioner
is rotting in custody since 18.04.2022.

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 in her statement recorded under Section 164 Cr.P.C. has remained consistent with the accusation levelled in the F.I.R. and stated that the petitioner has committed rape upon her. He further submits that the doctor, who examined the victim, has opined that the victim was having pregnancy of 16-18 weeks at the time of her medical examination which is sufficient to corroborate the allegation of rape as has been committed upon the person of the victim by 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 the nature of offence, 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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