

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36957 of 2022

Arising Out of PS. Case No.-149 Year-2021 Thana- SAHIYARA District- Sitamarhi

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RANJEET KUMAR Son of Manju Pandit, Resident of Village- Jalsi, P.S.-
Sahiyara, District- Sitamarhi.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ashhar Mustafa, Advocate Mr. Tarique Shamim, Advocate
For the Informant	:	Mr. Sanjay Kumar, Advocate
For the Opposite Party/s	:	Mr. Atul Chandra, APP.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 21-09-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Sahiyara P.S. Case No. 149 of 2021 lodged under Sections 376,
504 and 506 of the Indian Penal Code read with Sections 6 and
8 of the POCSO Act.

As per the allegation made in the F.I.R., the
prosecution story is that the informant went for natural call, in
the meantime the co-villager i.e. present petitioner has raped her
on the edge of knife.

Learned counsel for the petitioner submits that

petitioner is innocent and has committed no offence. He further submits that it is a pure false and fabricated F.I.R., as the date of occurrence is 03.11.2021 but F.I.R. has been lodged after delay of 4 days. He further submits that it is not possible to commit such type of offence because both are co-villagers and well known to each other. Learned counsel for the petitioner further submits that petitioner is in custody since 09.11.2021 having clean antecedent and charge sheet has already been filed in this case.

Learned counsel for the State opposes the prayer for bail.

Learned counsel for the informant vehemently opposes the prayer for bail and submits that the story of F.I.R. has been fully supported under statement of 164 of Cr.P.C., which has not been denied by the petitioner but petitioner only says that blanket reliance may not be placed on the said statement, as prior to such statement the victim was in the company of her parents and it is due to this reason her statement may be resorted.

In the present facts and circumstances of the case and the submissions made above, I am not inclined to grant bail to the petitioner at present but petitioner may renew his prayer for

bail after one year from the date of framing of charge.

With this observation, the bail application stands
rejected.

(Dr. Anshuman, J.)

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