

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.37307 of 2022**

Arising Out of PS. Case No.-9 Year-2022 Thana- MAHILA P.S. District- Kaimur (Bhabua)

Roshan Ram @ Roshan Kumar Son Of Pyare Ram Resident Of Village-  
Kishunpura, P.S.- Chand, District- Kaimur (BHABHUA) ... .. Petitioner/s  
Versus

The State of Bihar ... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Arun Kumar Mandal, Adv.  
For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
ORAL ORDER

2      22-09-2022                      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  
Kaimur Mahila P.S. Case No. 09 of 2022 lodged under Section  
376 of the I.P.C. and Section 4 of the POCSO Act.

As per the prosecution story, the allegation of rape  
and POCSO act both are there in the present F.I.R. and  
allegation is against the sole accused person.

Learned counsel for the petitioner submits that the  
entire case is false and not correct. He submits that upon going  
through the F.I.R. it transpires that F.I.R. has not been signed by  
anyone. He further submits that the statement made in the F.I.R.  
and in the first statement, there are discrepancies. He further  
submits that about the age of alleged victim, false statement has  
been made. The alleged victim is not minor. He further submits

that by virtue of supplementary affidavit, he has filed the charge sheet. Learned counsel further submits that by virtue of charge sheet police has removed POCSO, considering the victim girl as major. He submits that petitioner is in custody since 29.04.2022. having clean and incident and charge sheet has already been filed. Learned counsel for the petitioner further submits that there is a land dispute between the informant and the petitioner and only due to this present case has been filed.

Learned counsel for the State opposes the prayer for bail and submits that the statement and content of F.I.R. has been written by the victim herself. He also submits that in Annexure-4 the statement of victim under section 164 is also there in which she has fully supported the allegation of rape on her by the present petitioner.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail and therefore bail application is rejected.

**(Dr. Anshuman, J.)**

ashishsingh/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|