

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47907 of 2021

Arising Out of PS. Case No.-125 Year-2019 Thana- DEWARIA District- Muzaffarpur

ARJUN KUMAR Son of Devnarayan Sahni Resident of Village -
Mohabbatpur, P.S.- Deoria, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 06-04-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Deoria
P.S. Case No. 125 of 2019 registered for the offence under
Sections 376 (G) of the Indian Penal Code and Section 4/8 of
POCSO Act.

The petitioner along with others are said to have
committed rape upon the informant and she has been
threatened to kill.

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 the victim was having love affair with



the co-accused, Ranjit Sahni and she went with him with her sweet will. He further submits that the parties have arrived at a compromise and a petition to that effect is annexed as Annexure-3 to this petition. He further submit that co-accused, Ranjit Sahani, has already been granted bail by a co-ordinate Bench of this Court vide order dated 14.12.2020 passed in Cr. Misc. No. 22161 of 2020. The petitioner is rotting in judicial custody since 03.03.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the direct allegation of commission of rape upon the victim is attributed to the petitioner and his role in the occurrence categorically defined in the F.I.R. itself. He further submits that the victim in her statement recorded under Section 164 Cr. P.C. has clearly stated that this petitioner has caught hold me from the back side and dragged to the destination where the petitioner followed by co-accused, Ranjit Sahani committed rape upon her and thereafter they threatened her if she will disclose anything to anyone, she will be killed.

Regard being had to the fact that the co-accused, Ranjit Sahani, has been granted bail by another Bench, this Court is of view that this petitioner does not deserve to be



extended the benefit of parity to the accused, who has been granted bail, as because there is direct and specific allegation against the petitioner in the F.I.R. and the same has strongly been supported by the victim in her statement under Section 164 Cr.P.C., hence, the consequent and consistent statement of the victim give clear picture of the occurrence and *prima facie* established a case attracting Section 376 of the Indian Penal Code. Therefore, considering the facts and circumstances of the case and the nature of allegation leveled upon the petitioner, this Court is not inclined to grant the privilege of bail to the petitioner. Accordingly, the prayer for bail of this petitioner is rejected.

(Rajesh Kumar Verma, J)

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