

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49209 of 2021

Arising Out of PS. Case No.-114 Year-2020 Thana- MARAUNA District- Supaul

ARJUN SAH Son of Sri Ram Sewak Sah Resident of Village - Kulhariya,
Ward no.02, P.S.- Marauna, Distt.- Supaul.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amrit Abhijat, Advocate

For the Opposite Party/s : Ms. Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 04-04-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 376, 323, 341, 504, 506, 511 and 34 of the Indian Penal Code, section 8 of the POCSO Act and sections 3(1)(r), (s) and (w)(i) of the SC and ST (Prevention of Atrocities) Act, 1989.

As per the prosecution case, it is stated by the informant that while his 13 year old niece had gone to collect wood, the petitioner herein made an attempt to commit rape on her. On being informed by the co-villagers, on the informant reaching there, it is stated that the petitioner leaving behind the niece of the informant, escaped.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. For an occurrence alleged to have taken place on 21.8.2020 the FIR was registered 4 days later without any explanation for the same. There is case and counter case between the parties, the FIR of counter case having been brought on record as annexure to the supplementary affidavit. Neither any injury nor bruise has



been found on the alleged victim. A number of persons on the petitioner's side sustained injuries which would be evident from the injury reports enclosed with the supplementary affidavit. The petitioner is in custody since 16.3.2021.

The application for bail is opposed by learned Spl. PP appearing for the State who submits that not only the petitioner is named in the FIR but the allegations have been supported by the victim in her statement under sections 161 Cr.P.C as also 164 Cr.P.C

Having heard learned counsel for the parties and taking into consideration the facts of the case, the material that has transpired in course of investigation and the direct allegation against the petitioner, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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