

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38934 of 2022

In
CRIMINAL APPEAL (SJ) No.401 of 2022

Arising Out of PS. Case No.-31 Year-2021 Thana- MAHILA District- Munger

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Nitish Kumar Son of Sethu Mandal Resident of village- Naki, P.S- Shampur,
Haweli Kharagpur, District- Munger Petitioner/s

Versus

1. The State of Bihar
2. Ram Chandra Ravidas Son of late Biranchi Ravidas Resident of village-
Jagir, P.S- Shampur Haweli Kharagpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manohar Prasad Singh, Adv.

For the Opposite Party/s : Mr. Sadanand Paswan, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 28-09-2022 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
Mahila P.S. Case No. 31 of 2021 lodged under Sections 341,
342, 376, 504, 506 of the I.P.C. read with Section 4/6 of POCSO
Act. and 3(1)(r)(s), 3(2) (v) SC/ST Act.

As per the prosecution case, the allegation of rape has
been made in the coaching center by the owner (petitioner) of
the coaching institute is there in the F.I.R. with the grand-
daughter of the informant.

Learned counsel for the petitioner submits that

petitioner is innocent and has committed no offence. He submits that the petitioner is an intelligent student who competed competitive exams and has to appear in the exam of RRB Kolkata to be held on 29 September, 2022. Learned counsel for the petitioner submits that the date of occurrence is 20.09.2021 but case has been lodged on 23.09.2021. He also submits that the allegation of rape 3 times has been made in the F.I.R. earlier. But for two early occasions, there was no complaint and the delay has also not been explained. Learned Addl. Special Prosecutor for the SC/ST submits that the victim is minor. She was the student of the coaching and upon her disclosure in the family, this F.I.R. has been lodged and thereafter in her own statement before the Court under Section 164 of Cr.P.C., she has fully supported the earlier version which she deposed before the family member on the basis of which they filed the present F.I.R.

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

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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