

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51629 of 2021

Arising Out of PS. Case No.-262 Year-2021 Thana- JAKKANPUR District- Patna

Ram Vinay Prasad Gupta S/O Late Jamuna Sao @ Jamuna Prasad, Resident of Fulsathar, P.S.- Kurtha, District- Arwal, A/P, Renter of Sri Manoj Yadav, at Khas Mahal, near Devi Asthan ke peche, Siya Subodh Bhawan, P.S.- Jakkanpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate

Mr.Suresh Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

4 22-08-2022 Heard learned senior counsel for the petitioner and learned APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Special Case No. 86 of 2021, arising out of Jakkanpur P.S. Case No.262 of 2021, registered for the alleged offences under Section 376 of the Indian Penal Code and Section 8/12 of POCSO Act.

As per the prosecution case, the petitioner, who is a tenant of the informant, committed rape with the minor daughter



of the informant in her room.

The learned senior counsel for the petitioner submits that the petitioner has falsely been implicated in this case. He is a sexagenarian and infirm person. There is variation in the statement of the informant at the time of lodging of the FIR and her restatement recorded during investigation. In her statement, the informant says that the petitioner committed rape in his room whereas in the FIR it was mentioned that rape was committed in the room of the informant. The medical report does not suggest rape has been committed upon the victim. Even the statement of the victim girl is doubtful as she did not make any shout when the petitioner allegedly released her and stated the fact to only her mother. The learned senior counsel further submits that false implication is a possibility and the petitioner is in custody since 18.06.2021 and the charge sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that there is specific allegation against the petitioner and the same has been supported by the witnesses in paragraphs 8, 9 and 10 of the case diary. The medical report also supports the prosecution case. The order of rejection also shows that the victim stated in her statement under Section 164 Cr.P.C. that the



petitioner put her down and committed rape and when she tried to raise alarm, the petitioner closed her mouth. He further submits that the medical report has been analyzed in detail in the order of rejection and it shows redness over vulva-te region of the victim

Perused the records.

Having regard to the facts and circumstances of the case and considering the serious nature of allegation against the petitioner which has been consistently supported by the informant, the victim and other witnesses that the petitioner committed rape with the minor daughter of the informant, I am not inclined to enlarge the petitioner on bail at this stage.

Accordingly, his prayer for bail is rejected.

(Arun Kumar Jha, J)

V.K.Pandey/-

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