

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51833 of 2021

Arising Out of PS. Case No.-78 Year-2021 Thana- SHAHKUND District- Bhagalpur

Karu Bind Son Of Late Maheshwar Bind R/O Village- Shiv Shankarpur, P.S-
Sahkund, Dist- Bhagalpur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh
For the Opposite Party/s : Mr. Arun Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-02-2022 Heard learned counsel for the petitioner and

learned APP for the State through video conferencing.

The petitioner seeks bail in connection with
Sahkund P. S. Case No.78 of 2021, instituted for the
offences under Section 376 of the Indian Penal Code and
Sections 4/ 8 of the POCSO Act.

The learned counsel for the petitioner submits that
the petitioner is in custody since 23.03.2021, he is a person
with clean antecedent and charge-sheet has been submitted
in the case.

The informant alleges that on 17.02.2021, the
petitioner on point of gun raped the victim, a minor,
thereafter again on 05.03.2021, the petitioner leached on the



victim on which the victim raised hulla and the petitioner fled and thereafter, it is alleged that the victim disclosed about the occurrence dated 17.02.2021 to her mother.

The learned counsel for the petitioner submits that it absolutely does not stand to reason that if the victim disclosed the occurrence to her mother then why she did not disclose it when the occurrence had taken place on 17.02.2021. The learned counsel further submits that admittedly, the F.I.R. has been instituted after much delay if the first occurrence is considered to be dated 17.02.2021. The learned counsel further submits that the medical report does not support the prosecution case.

The learned A.P.P. for the State opposes the bail application and submits that the victim is a minor and in her statement under Section 164 of the Cr.P.C., she has supported the prosecution case. It is further submitted that mere delay in disclosing the occurrence by the victim to her mother would not discredit the victim as the victim in her statement has supported the prosecution case.

Considering the nature of allegation as alleged, the Court is not inclined to grant bail to the petitioner.



Accordingly, the prayer for bail of the petitioner
stands rejected for the present.

(Satyavrat Verma, J)

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