

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51638 of 2021**

Arising Out of PS. Case No.-92 Year-2021 Thana- JAKKANPUR District- Patna

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SURAJ PASWAN @ SURAJ KUMAR SON OF RAMSWARUP PASWAN
RESIDENT OF JEET LAL PATH KARBIGAHYA RENTED HOUSE OF
BIRENDRA SINGH ALIAS VIRUJI P.S. JAKKANPUR, DIST PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Tilak Sao Mr. Rajesh Mohan
For the Opposite Party/s	:	Mr. Uday Pratap Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 16-05-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Special POCSO Case No. 25 of 2021, arising out of Jakkanpur
Police Station Case No. 92 of 2021, registered for the offences
punishable under Section 376 of the Indian Penal Code and
Sections 8/12 of the Prevention of Children from Sexual
Offences Act, 2012.

The allegation against the petitioner, as per the First
Information Report, is that he committed rape upon the 15 years
old daughter of the informant, who is mentally retarded.

Learned Counsel for the petitioner submits that the
incident has taken place on 17.02.2021, First Information



Report was lodged on 19.02.2021, after a delay of two days and the victim was medically examined on 23.02.2021, but no sign of rape was found by the doctor. He next submits that the statement of the victim girl was not recorded either under Section 161 of the Code of Criminal Procedure, 1973 or Section 164 of the Code of Criminal Procedure, 1973. He further submits that the petitioner is in custody since 23.02.2021.

On the other hand, learned Additional Public Prosecutor, referring to the contents of the case diary, submits that the statement of the informant, who is the mother of the victim girl, has been recorded and she has supported the prosecution story and said that the petitioner took her minor daughter in his room, in which he was residing as tenant and upon cry/noise of the victim girl, the landlord came in the room and saw the petitioner in objectionable position with the victim girl. He further submits that the statement of the landlord has also been recorded during the course of investigation and he has supported the prosecution story.

Regards being had to the submissions made on behalf of the parties and taking into consideration the materials on record and the fact that prima facie evidence has come against the petitioner during the course of investigation and the victim



girl is mentally retarded and is 15 years of age, I am not inclined to grant regular bail to the petitioner.

This application is, accordingly, dismissed.

Let the trial be expedited.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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