

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54201 of 2021

Arising Out of PS. Case No.-191 Year-2021 Thana- SHERGHATI District- Gaya

RAJU KUMAR @ RAJ KUMAR MANDAL Son of Mukhiya Manjhi
Resident of Village - Gambhariya, P.S.- Dobhi, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Adv.

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-01-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State through video conferencing.

The petitioner seeks bail in connection with POCSO Case No. 60 of 2021/ Sherghati (Dhobi) P.S. Case No. 191 of 2021 registered for the offence under Sections 376 of the Indian Penal Code.

The petitioner is said to have committed rape upon the informant.

Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is



innocent and has falsely been implicated in this case. In fact, the alleged occurrence said to have been committed on 29.03.2021 whereas the instant F.I.R. has been lodged on 30.03.2021 after lapse of one day without explaining the plausible delay. He further submits that the doctor, who examined the victim, has opined that the victim is major and her age is assessed about 19 years and no any external or internal injury has been found on the person of the victim. The petitioner is rotting in judicial custody since 31.03.2021.

Learned A.P.P. for the State has, vehemently, opposed the prayer for bail of the petitioner and submits that the petitioner is named in the F.I.R. and he has committed rape upon the minor victim. He further submits that it is apparent from the medical report itself in which the doctor has clearly opined that the rape has been committed upon the victim. Moreover, the victim in her statements recorded under Sections 161 and 164 Cr.P.C. has consistently reiterated the prosecution version and in paragraphs 3,10,11 and 12, the prosecution witnesses have also supported the allegation leveled against the petitioner. The petitioner has also charge-sheeted in this case under Sections 4 and 6 of the POCSO Act as well as Section 376 of



the Indian Penal Code. Hence, the petitioner does not deserve the privilege of bail.

Considering the facts and circumstances of the case and the nature of offence, this Court is not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of this petitioner is, hereby, rejected.

(Rajesh Kumar Verma, J)

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