

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54586 of 2021

Arising Out of PS. Case No.-60 Year-2021 Thana- BAHERI District- Darbhanga

RAJEEV KUMAR SAHU @ AJAY SAHU S/o Shankar Sahu R/o Village/
Mohallah - Lalpur Shivram, P.S.- Baheri, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Aprajita, Advocate

For the Opposite Party/s : Mrs. Veena Kumari Jaiswal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 23-03-2022 In compliance of the order dated 22.03.2022, the Civil
Surgeon, Darbhanga along with Dr. Renu Prabha are physically
present in Court.

Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 376(2M) of the Indian Penal
Code and Sections 8 and 12 of the Protection of Children from
Sexual Offenses Act, 2012.

Learned counsel for the petitioner submits that the
petitioner is in custody since 13.03.2021, is a person with clean
antecedent and charge-sheet has been submitted.

The informant a minor, aged about 8 years, alleges
that while she was going to see a fair, the petitioner intercepted
her and committed rape and tried to kill her. Further, she became



unconscious and was taken to the hospital where she was treated.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case and the FIR has been instituted by a minor at the behest of someone who was interested in getting the petitioner implicated in the case. Learned counsel for the petitioner further submits that even the medical report of the informant records that there is positive evidence suggestive of attempted recent physical and sexual assault which does indicate that the alleged informant raped as she is claiming in the FIR.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner and Dr. Renu Prabha, who is present in Court, from the injury report, submits that it has been clearly recorded hymen not intact, no injury over labia majora, fresh superficial abrasion present along both sides of labia majora. It is submitted by the Doctor that the abrasion where it has been found that in itself indicates that something was done with the minor even if not raped but the injury is suggestive of rape.

Considering the nature of allegation as alleged and after hearing the learned counsel for the parties and the Doctor,



the Court is not inclined to grant bail to the petitioner in connection with Baheri Police Station Case No. 60 of 2021 pending in the Court of learned Special Judge (POCSO Act), Darbhanga/successor Court.

The personal appearance of the Civil Surgeon, Darbhanga and the Dr. Renu Prabha is dispensed with.

(Satyavrat Verma, J)

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