

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60013 of 2021

Arising Out of PS. Case No.-53 Year-2021 Thana- MAHILA P.S. District- Rohtas

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Rahul Kumar Pal @ Rahul Kumar Son of Late Sri Niwas Pal Resident of
Village- Parsa, P.S.- Bhanas (O.P.), District- Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Babu Nandan Prasad
For the Opposite Party/s : Mr. Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 23-06-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period

of four weeks from today.

The petitioner seeks bail in connection with Mahila

P.S. Case No. 53 of 2021 registered for the offence under

Section 376 of the Indian Penal Code and Section 4 of POCSO

Act.

The accused/petitioner is named in the F.I.R. and is in

custody since 07.09.2021.

The allegation against the petitioner is to commit rape



and penetrative sexual assault upon the informant aged about 15 years on false pretext of marriage.

Learned counsel appearing on behalf of the petitioner submitted that the medical report of the victim is not supporting the allegation as alleged by the informant. It has further been submitted that the F.I.R. has been lodged after eight days of the occurrence. It has further been submitted that there is no telephonic conversation between the mobile no. 6291424873 and 9638318821 on 01.08.2021 as alleged in the F.I.R. While concluding the argument, it has further been submitted that petitioner is a man of clean antecedent and moreover, chargesheet has already been submitted in this case, as such there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded that the victim/informant specifically alleged against the petitioner, as regard to rape and penetrative sexual assault in her statement recorded under Section 164 of Cr.P.C. It has further been submitted that the act of the petitioner is suggestive of the fact that he was under intention to deviate from the promise of marriage from very inception.

Considering the facts and circumstances as mentioned



above, as the victim, who is minor aged about 15 years, supported the allegation of rape and penetrative sexual assault committed by the petitioner, this Court is not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner is rejected herewith.

The petitioner is at liberty to renew his prayer for bail, if the trial is not concluded within a period of nine months.

(Chandra Shekhar Jha, J)

Ankit/-

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