

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61126 of 2021**

Arising Out of PS. Case No.-52 Year-2020 Thana- MAHILA P.S. District- Samastipur

Fulchandra Das Son Of Shankar Das Resident Of Village- Bhuswar, P.S.-
Bibhutiur, District- Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dilip Kumar Roy, Advocate

For the Opposite Party/s : Mr.Arun Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 22-03-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Mahila
P.S. Case No. 52 of 2020 instituted for the offences under
Section 376 of the Indian Penal Code read with Sections 3 and 4
of the POCSO Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 22.08.2020, is a person with clean
antecedent and charge-sheet has been submitted in the case.

The informant in the F.I.R. alleges that on 21.08.2020,
his grand daughter, aged about 11 years, had gone to the house
of the petitioner for bringing flour, further it is alleged that the
petitioner tied the mouth of the victim and started raping her
upon which she raised alarm and the informant's younger son



rushed there and saw the occurrence. It is further alleged that the victim was rescued and brought back home by the younger son of the informant thereupon she narrated the entire incident.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, no such occurrence had taken place and out of animosity, the informant has implicated the petitioner.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that from perusal of the impugned order it would manifest that the age of the victim has been found in between 12-13 years, she has supported the prosecution case in her statement under Section 164 of the Cr.P.C. and even medical report corroborates the allegation as alleged.

Considering the submissions made by the learned A.P.P. for the State and in the nature of allegations, the Court is not inclined to grant bail to the petitioner. His prayer for bail stands rejected.

(Satyavrat Verma, J)

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