

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61089 of 2021

Arising Out of PS. Case No.-327 Year-2019 Thana- FALKA District- Katihar

=====

BALRAM PANDIT SON OF HIRALAL PANDIT R/O VILLAGE-
CHANDPUR, P.S.- FALKA, DISTRICT- KATIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : M/s Ajay Kumar Thakur,
Vaishnavi Singh, Advocates
For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

=====

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 09-05-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under section 376 of the Indian Penal Code and section 4 of the POCSO Act.

As per the prosecution case, the petitioner is said to have committed rape on the informant.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. The parties are distant agnates and there is land dispute between them. Further referring to the statement under section 164 Cr.P.C. of the informant it is submitted that the learned Magistrate has recorded his note to the effect that while giving her statement, she was smiling. It is further submitted that



contrary to the statement under section 164 Cr.P.C., no door was found at the place of occurrence. The Medical Board has estimated the age of the informant as 17-18 years and has not supported the prosecution case. The petitioner is in custody since 11.11.2020.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the nature of allegation in the FIR together with the contents of statement of the victim recorded under section 164 Cr.P.C. wherein the minor informant has supported the prosecution case, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

(Partha Sarthy, J)

Spd/-

U		T	
---	--	---	--

