

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61761 of 2021

Arising Out of PS. Case No.-57 Year-2021 Thana- SIWAIPATTI District- Muzaffarpur

RAMJEE PRASAD @ RAMJEE PANDIT @ RAMJEE Son of Mr. Nand
Kishor Pandit @ Kishor Pandit Resident of Village - Harpali, P.S.- Siwaipatti,
District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Udbhav, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 18-04-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Siwaipatti
P.S. Case No. 57 of 2021 registered for the offences punishable
under Section 376(D) of the Indian Penal Code read with Sections
4 and 6 of the POCSO Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 11.06.2021, charge-sheet has been
submitted in the case and has antecedent of one case.

Learned counsel for the petitioner submits that the
informant alleges that on 08.06.2021, Sanjay Prasad came to her
house and on pretext of enquiry, took her along with him towards
Bagmati river where Mohan and petitioner were present from
before and it is alleged that all the three accused raped her in turn
and fled away leaving her in an unconscious state.



Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is further submitted that the medical report negates the prosecution story of rape. Learned counsel submits that it absolutely does not stand to reason that as to why the informant, a minor, would accompany Sanjay Prasad in the night and cross Bagmati river as alleged in the F.I.R. Learned counsel submits that the petitioner has been falsely implicated only for the reason that he and other accused persons had witnessed the informant committing some objectionable act with a boy and when they raised alarm, the informant implicated them falsely in the present case.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that the victim is a minor and has supported the prosecution case in her statement recorded under Section 164 of the Cr.P.C. and the petitioner has also confessed his guilt as has been recorded at paragraph '24' of the case diary.

Considering the submissions made by the learned A.P.P. for the State, the Court, for the present, is not inclined to grant bail to the petitioner. His prayer for bail is thus rejected.

(Satyavrat Verma, J)

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