

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66073 of 2021**

Arising Out of PS. Case No.-105 Year-2021 Thana- GOPALPUR District- Gopalganj

Munna Pandey Son of Late Paras Pandey Resident of Village - Purkhas, P.S.-
Gopalpur, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Naresh Chandra Verma, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER**

3 29-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Gopalpur P.S. Case No. 105 of 2021 lodged under Sections
376(3) of the I.P.C. read with Sections 4 and 6 of POCSO Act.

As per the prosecution case, there is allegation of rape
against the informant's daughter.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. Learned
counsel submits that the date of allegation of alleged occurrence
is 04.06.2021 whereas the present F.I.R. has been lodged on
07.06.2021 i.e. delay of about 3 days. Learned counsel submits

that petitioner's antecedent is clean and he is in custody since 08.06.2021. Learned counsel submits that both are co-villagers and even then, F.I.R. has not been filed within time which creates doubt in this prosecution case.

Learned counsel for the State opposes the prayer for bail and submits that there is clear cut allegation of rape in the F.I.R. and subsequently, under Section 4 and 6 of POCSO Act whereas the alleged victim in her statement under Section 164 of Cr.P.C. have fully supported the allegation of rape. Upon specific query whether charge has been framed or not, counsel submits that charge has already been framed in this case.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner. Therefore, the bail application of the petitioner is hereby rejected but liberty is hereby granted to the petitioner that he may renew his prayer for bail 1 year after date of cognizance.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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