

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66661 of 2021

Arising Out of PS. Case No.-72 Year-2021 Thana- MAHILA P.S. District- Muzaffarpur

Lakshman Das Son Of Baleshwar Das Resident Of Village-Kanhauli
Bishundatt, J.P. Lane Road No 6 P.S- R.K.Ashram, P.S- Bela, Dist-
Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Patanjali Rishi, Advocate
For the Informant	:	Mr. Surendra Kishore Thakur, Advocate
		Mr. Subodh Kumar, Advocate
For the State	:	Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 12-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Mahila P.S. Case No. 72 of 2021 registered for the alleged offences under Section 376AB of the Indian Penal Code and Section 4 of the POSCO Act.

As per prosecution case, the minor victim girl alleged that her father committed rape with her and this act was repeated 10-12 times.



Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case, for the reason that the mother of the informant is estranged with the father of the informant and to put pressure on him the present case has been lodged. The petitioner is an employee of a bank and he is a middle aged man and from the very nature of allegation, the prosecution case is not believable. It is apparent from the rejection order of the bail by the learned trial court that the informant and her mother have not supported the prosecution case and they stated that the case was lodged in order to pressurize the petitioner to give them maintenance and to allow the informant to study. Learned counsel further submits that even medical report does not show any force being employed or any resistant being offered. Charge sheet has been submitted in this case and the petitioner is in custody since 13.09.2021 and prosecution evidence is being recorded.

Learned APP for the State and learned counsel appearing on behalf of the informant vehemently oppose the prayer for bail of the petitioner submitting that the deposition of the informant has been recorded before the learned trial court wherein she has supported the prosecution case and wherein she has stated that she was forced to change her statement and she



recorded her statement under Section 164 Cr.P.C. under threat.

Perused the records.

In view of serious nature of allegation against the petitioner, I do not think it is a fit case for grant of bail.

Accordingly, his prayer for grant of bail is rejected.

The trial court is directed to expedite the trial and conclude the same within nine months.

(Arun Kumar Jha, J)

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