

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67328 of 2021

Arising Out of PS. Case No.-120 Year-2021 Thana- VISHNUPAD District- Gaya

Radhika Raman Sahay, Son of Krishna Ballabh Sahay, R/o Mohalla -
Vishnupuri Colony, P.S. - Vishnupad, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Surendra Kumar Singh
For the State	:	Mr. Pradeep Narain Kumar, APP
For the Informant	:	Mr. Gajendra Kumar Singh, Advocate Mr. Manish Kumar No.2, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 14-09-2022 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 POCSO Case No. 87 of 2021, arising out of Vishnupad P.S. Case No. 120 of 2021, registered for the alleged offences under Section 376 of the Indian Penal Code, Section 4 of POCSO Act and Section 67 (A) of the I.T. Act.

As per the prosecution case, the petitioner sexually assaulted 7 years old daughter of the informant and made a video of it and also made the same viral.

The learned counsel for the petitioner submits that no occurrence as alleged has ever taken place. This case has been



lodged in order to extort money from the petitioner who is an old man aged about 60 years. There is variation in the statement of the victim girl made under Section 161 Cr.P.C. as well as under Section 164 Cr.P.C. The rape has not been confirmed in the medical report and so incorporation of Section 376 IPC in the FIR is completely wrong. It is also not believable that a small child would go on her own to the clinic of a doctor. The charge sheet has been submitted in this case and the petitioner is in custody since 19.07.2021.

Learned APP opposes the prayer for bail submitting that the medical report shows sexual assault was made and the victim in her statement under Section 164 Cr.P.C. has supported the prosecution case. C.D. of the sexual assault is also available on record.

Perused the records.

Having regard to the serious nature of allegation against the petitioner, which shows a reprehensible act with perversion, I am not inclined to enlarge the petitioner on bail.

Accordingly, his prayer for bail is rejected.

(Arun Kumar Jha, J)

V.K.Pandey/-

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