

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67645 of 2022

Arising Out of PS. Case No.-149 Year-2022 Thana- BARHARA District- Bhojpur

Vikash Kumar S/O Late Manoj Rai Resident of village- Kolahrampur, P.S.-
Barhara, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harendra Kumar

For the Opposite Party/s : Mr. Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 14-12-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Barhara
P.S. Case No. 149 of 2022, registered for the offences
punishable under Sections 376(iii) of the Indian Penal Code
and Sections 4 and 6 of the Protection of Children from
Sexual Offences Act, 2012.

As per allegation, when the family members of the
informant had gone to attend a marriage ceremony, the
petitioner entered into her house through window and
ravished her. Allegation of assault is also there.

As per the bail petition, the petitioner has earlier



moved similar bail petition for regular bail which was rejected by this Court vide order dated 08.08.2022 passed in Cr. Misc. No. 18837 of 2022.

However, this second bail petition has been filed by the petitioner stating that at the time of hearing of the previous bail petition, the medico-legal report of the alleged victim was not on record because the petitioner had inadvertently failed to annex the same with the previous bail petition and as per this medico-legal report there is no injury found on the private part of the alleged victim and as such no offence of rape is made out.

From the perusal of the case record, it transpires that the previous bail petition of the petitioner was rejected on merit, considering the serious nature of the alleged offence and the statement of the alleged victim girl as recorded under Section 164 Cr.P.C. and even if the medico-legal report of the alleged victim as annexed by the petitioner is considered, it hardly helps the petitioner because it is settled principle of law that injury on the private part of the alleged victim of rape is not necessary to



constitute offence of rape.

As such, the present bail petition is frivolous and unwarranted and such petition should have been avoided by the petitioner in this era of huge pendency of cases.

Hence, the present petition is rejected and to discourage filing of such petitions in future, a cost of Rs. 1,000/- (Rupees One Thousand Only) is imposed on the petitioner to be deposited in the fund of Patna High Court Legal Services Committee.

(Jitendra Kumar, J)

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