

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6636 of 2023

Arising Out of PS. Case No.-154 Year-2022 Thana- SAHIYARA District- Sitamarhi

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MOHAN KUMAR Son of Ram Sobhit Ray Resident of Village- Shitalpatti,
P.S.- Sahiyara, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Santosh Kumar, Adv.

For the Opposite Party/s : Mr.Usha Kumari 1, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-06-2023 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner seeks bail in connection with Sahiyara
P.S. Case No. 154 of 2022 registered for the offence under
Sections 376, 376(A)(D) of the Indian Penal Code and Section 4,
6, 8, 12 of the POCSO Act and Section 3(i)(r)(s) SC/ST (POA) Act.

The petitioner along with the another co-accused are
alleged to have committed rape upon the minor daughter of the
informant after making her unconscious and made a video of the
incident.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that
the allegation, as alleged in the F.I.R., is false and fabricated and



the petitioner has not committed any offence. He further submits that there is land dispute between the parties and on account of the same, this false case has been lodged against the petitioner. No such occurrence ever took place. The petitioner is rotting in judicial custody since 04.11.2022.

Learned A.P.P. for the State on the other hand on the basis of material available on record and the case diary opposed the prayer for bail of the petitioner and submits that there is direct allegation of commission of rape upon the minor daughter of the informant and the victim in her statement recorded under Section 164 Cr.P.C. has not supported the allegation leveled against the petitioner stating that the petitioner has committed rape upon her. He further submits that the medical report also get supports from the prosecution version.

Considering the facts and circumstances of the case and nature of offence and also the age of the victim, this Court is not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of this petitioner is rejected.

(Rajesh Kumar Verma, J)

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