

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12435 of 2023

Arising Out of PS. Case No.-364 Year-2022 Thana- GOPALGANJ TOWN District-
Gopalganj

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RAJA KUMAR @ RAJA KUMAR SAH Son of Late Ganesh Shah Resident
of Village - Lohijara, Lohjra, P.S.- Gopalganj, District - Gopalganj presently
residing at Village - Gosai Tola, Ward No.- 22, P.S.- Gopalganj, District -
Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vishwajeet Kumar Mishra, Adv.
For the Opposite Party/s : Mr.Pramod Kumar Pandey, APP
Mr.Sumit Shekhar Pandey, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-05-2023 Heard learned counsel for the petitioner, learned counsel
for the informant and learned APP for the State.

Petitioner apprehends his arrest in connection with
Gopalganj Town P.S. Case No.364 of 2022, registered for the
offence punishable u/s 354(B) and 506 of the IPC read with
sections 4, 7 and 8 of the POCSO Act.

As per the prosecution case, on the pretext of marriage,
the petitioner established physical relationship with the victim
and thereafter started abusing her and threatened to not disclose
the said incident to anyone.

It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has committed no offence. He



has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. It is submitted that there is an inordinate delay of more than 4 months in lodging the F.I.R., which creates doubt about the prosecution case. Petitioner has no criminal antecedent.

Learned APP for the State as well as learned counsel for the informant opposed the prayer for bail by submitting that from the impugned order and materials available on record, it is clear that at the time of alleged offence, victim was minor of 17 years.

Having regard to the facts and circumstances of the case and considering the nature of allegation, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

This application is accordingly dismissed.

(Anjani Kumar Sharan, J)

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