

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12727 of 2023

Arising Out of PS. Case No.-181 Year-2022 Thana- RUPAULI District- Purnia

=====

AJIT RISHI S/O CHALITTAR RISHI R/v- Jhalari, P.S.- Rupauli, District-
Purnea

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Advocate

For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 02-08-2023 Heard learned counsel for the petitioner and learned

APP for the State.

2. Petitioner seeks bail, who is in custody since 12.07.2022, in connection with Special (POCSO) Case No. 98 of 2022 arising out of Rupauli (Mohanpur) P.S. Case No. 181 of 2022, F.I.R. dated 07.07.2022 registered for the offences punishable under Sections 363, 366A of the Indian Penal Code but the police after investigation submitted chargesheet under Section 363, 366(A), 376 of the Indian Penal Code and Sections 4/6 of the POCSO Act.

3. The prosecution case, in brief, is that on 03.07.2022 the informant's minor daughter namely Swati Kumari had gone to Village Bhauwa Daurhi for seeing religious



function (Yagya) but she did not return home till night. In course of searching, it came to know that one Ajit Rishi has kidnapped her minor daughter.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present 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 as alleged in the F.I.R. He further submits that the present F.I.R. was instituted after delay of four days.

5. Learned APP for the State, on the other hand, on the basis of material available on record and the case diary, vehemently opposed the prayer for bail and submits that the statement of the victim girl was recorded under Section 164 of the Cr. P.C. in which she has categorically stated that the petitioner has committed rape upon her and the medical report of the victim was conducted on 12.07.2022 after delay of five days so there was no sign of sexual assault on the person of the victim and the victim was minor at the time of occurrence.

6. Considering the aforesaid facts that there is direct allegation against the petitioner, I am not inclined to enlarge the petitioner on bail in connection with Special (POCSO) Case No.



98 of 2022 arising out of Rupauli (Mohanpur) P.S. Case No. 181
of 2022 pending in the Court of Additional District & Sessions
Judge 7th cum Special Judge (POCSO), Purnea.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

Ibrar//-

U		T	
---	--	---	--

