

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15933 of 2023

Arising Out of PS. Case No.-192 Year-2022 Thana- CHACKMEHSI District- Samastipur

Sanjeet Das @ Sanjit Das S/O Dewendra Das @ Khjandad Das R/v- Saidpur
Ward No- 3, P.S.- Kalyanpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 04-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 22.11.2022 in connection with Samastipur Chakmehsi P.S. Case No. 192 of 2022, F.I.R. dated 14.11.2022 registered for the offences punishable under Sections 323, 324, 341, 307, 376(iii) of the Indian Penal Code and Sections 4 and 6 of POCSO Act.

3. The prosecution case, in brief, is that on 11.11.2022 at 14:00 hours she had gone to pluck the flower from the litchi garden then the accused petitioner came and dragged her and tide the legs and hand and word off her clothes and also assaulted her tongue. It is further alleged that after committing rape the accused has strangulated her neck and also tied the *dupatta* in her neck due to which she became unconscious and



thereafter she has been admitted in the hospital at Muzaffarpur.

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 date of occurrence as alleged in the F.I.R. is 11.11.2022 but the present F.I.R. was instituted on 14.11.2022 after delay of three days without giving any explanation of delay.

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 of the petitioner and submits that the statement of the victim under Section 164 of the Cr. P.C. was recorded in which she has categorically stated that the petitioner has committed rape upon her and on the date of occurrence the victim was minor and the medical report of the victim also supports the allegation as alleged in the F.I.R.

6. Considering the aforesaid facts and there is direct allegation against the petitioner, I am not inclined to enlarge the petitioner on bail in connection with Samastipur Chakmehsi P.S. Case No. 192 of 2022 pending in the Court of learned



Additional Sessions Judge VI cum Special Court (POCSO),
Samastipur.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

Ibrar//-

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

