

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20047 of 2023

Arising Out of PS. Case No.-38 Year-2022 Thana- MAHILA P.S. District- Kaimur (Bhabua)

Surenra Ram @ Surenra Kumar Bhaskar, Son of Late Rampati Ram, R/O
Village -Sikarwar, P.S. -Adhaura, District- Kaimur At Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Sr. Adv. Mr. Ritwik Thakur, Adv. Mrs. Vaishnavi Singh, Adv.
For the Opposite Party/s :		Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 03-08-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Bhabhua Mahila P.S. Case No. 38 of 2022 dated 27.11.2022
registered for the offences punishable under Section 376DA
of the Indian Penal Code, Section 6 of the POCSO Act and
Sections 3(1)(w) and 3(2)(v) of the SC/ST Act.

3. As per the prosecution, the informant
(prosecutrix) alleged that this petitioner and co-accused
namely Aditya Yadav committed rape with her when she had
gone to nature call outside her house.

4. The main submissions advanced by learned



senior counsel for the petitioner are that from the statements of the mother and father of the victim recorded during investigation, it is clearly evident that it was the petitioner who firstly informed them about the commission of the alleged occurrence, so if he had committed any wrong as alleged with the victim then there was no need for him to inform the parents of the victim about the alleged occurrence and the medical evidence of the victim does not support the allegation of the FIR and the petitioner's trial has started and the father of the victim has been examined who has not levelled any allegation against this petitioner.

5. Learned APP appearing for the State has opposed the bail prayer.

6. Heard both the sides and perused the FIR and case diary and victim's statement recorded under Section 164 of Cr.P.C. The victim is stated to be 14 years old as per the FIR, though the medical evidence goes against the allegation levelled in the FIR but considering the victim's own statement recorded under Section 164 of Cr.P.C. which goes against the petitioner and also, the fact, that the victim is yet to be examined in the trial of the petitioner, at this stage this Court is not inclined to accept the bail prayer of the petitioner.



Accordingly, his bail prayer stands rejected.

7. The petitioner may renew his bail prayer after the examination of the victim in his trial, if in the next six months the victim is not produced and examined then petitioner may also renew his bail prayer.

(Shailendra Singh, J)

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