

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.26326 of 2023**

Arising Out of PS. Case No.-31 Year-2022 Thana- MAHILA P.S. District- Samastipur

SUKESH JHA @ SUKESH KUMAR JHA SON OF SHIV DAYAL JHA  
RESIDENT OF VILLAGE- ASHA DADRI, PO- KOTHIYA , PS- N.HG.  
BANGRA, DISTT- SAMSTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Manish Mohan Kateryar, Adv.

For the Opposite Party/s : Mr.Pradeep Narain Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      21-07-2023                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

The petitioner seeks bail in connection with  
Samastipur Mahila P.S. Case No. 31 of 2022 registered for the  
offence under Sections 376, 341, 323, 506/34 of the Indian Penal  
Code.

The minor daughter of the informant is subjected to  
sexual assault at the instance of the petitioner.

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 the medical report does not support the allegation as alleged



in the F.I.R. as well the statement of the victim recorded under Section 164 Cr.P.C. The petitioner is rotting in judicial custody since 20.10.2022.

Learned A.P.P. for the State 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 was recorded under Section 164 Cr.P.C. in which she has categorically stated that the petitioner has committed rape upon her after taking her in the maize field. He further submits that the victim has been examined after lapse of seven days from the date occurrence and the doctor has assessed the age of victim between 10-12 years.

Considering the facts and circumstances of the case and the rival submission of the parties and also the nature of offence and the age of victim, who is minor, this Court is not inclined to grant the privilege of bail to the petitioner. Accordingly, the prayer for bail of this petitioner is rejected.

**(Rajesh Kumar Verma, J)**

brajesh/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

