

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28781 of 2023

Arising Out of PS. Case No.-24 Year-2022 Thana- MAHILA PS District- Gopalganj

Rajesh Singh, Son of Ramashray Singh Resident of village-Hardiya, P.S.-
Thawe, District-Gopalganj Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binay Kant Mani Tripathi, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 07-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Gopalganj Mahila P.S. Case No. 24 of 2022, lodged on
01.08.2022 under Sections 341, 342, 376 and 511 of the Indian
Penal Code and Sections 10 and 12 of the Protection of Children
from Sexual Offences Act, 2012.

3. As per the prosecution case, the allegation made
against the petitioner is that the petitioner has forcefully
removed the cloths of informant's daughter and tried to rape her,
but on seeing the informant's husband, the accused (petitioner)
fled away from there.

4. Learned counsel for the petitioner submits that the
informant and the petitioner are adjacent neighbor. The
informant's family used to run poultry farm and in the adjacent
land the family members of the accused used to do the



agricultural work and due to periodical coming of the vehicle the agricultural work used to be disturbed and the family members of the petitioner are not ready to provide road of his land to the informant and his family members. It is due to this reason, the present false case has been lodged. Learned counsel for the petitioner further submits that vide Annexure-2, a representation has also been filed before the Director General of Police supported by Sarpanch of the village along with 12 other villagers. He further submits that under Section 164 of the Code of Criminal Procedure, the statement of the victim took place and in paragraph -4 she has denied that her cloths were open. He further submits that the antecedent of the petitioner is clean and he is in custody since 09.12.2022. Moreover, the case diary was present before the Special Court POCSO and observation has been recorded by the Special Court but nowhere it has been mentioned that the medical examination of the alleged victim took place. In fact, this case stands only on the verbal averments.

5. Learned counsel for the State vehemently opposes the prayer for bail of the petitioner and submits that the allegation of attempt to rape is there in the FIR, but in the statement recorded under Section 164 of the Code of Criminal



Procedure the victim accepts that kisses were made to her.

6. Upon specific query from the learned counsel for the petitioner whether charge has been framed or not, he has stated that he is not aware about this fact whether the charge has been framed or not.

7. In this background, I am not inclined to grant regular bail to the petitioner.

8. Accordingly, the prayer for regular bail of the petitioner in connection with Gopalganj Mahila P.S. Case No. 24 of 2022, pending before the learned VIth Additional Sessions Judge, POCSO, Gopalganj is hereby rejected.

9. However, the petitioner would be at liberty to renew the prayer for bail before the trial Court after framing of charge. In the event, if the charge has already been framed, the petitioner is directed to be released on bail by the learned Court below imposing its own condition so that the petitioner may not evade appearance on the date fixed.

10. With this observation, the bail application stands disposed of.

(Dr. Anshuman, J)

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