

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31088 of 2023

Arising Out of PS. Case No.-153 Year-2022 Thana- RAJPUR District- Buxar

Sanjay Ram S/O Bhagirathi Ram Resident Of Village Sarenja P.S. Rajpur
District Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravi Shankar Pathak
For the State	:	Mr. Sanjay Kumar Singh
For the Informant/s	:	Mr. Shree Kant Pandey

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 31-07-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner has prayed for bail in connection with Rajpur P.S. Case No. 153 of 2022 instituted for the offence under Sections 376, 493, 323, 504 of the Indian Penal Code and Sections 3, 4 of the POCSO Act.

3. As per allegation in the FIR, the informant alleged that on 20.5.2022 while her daughter was going to attend nature's call, meanwhile, the petitioner caught her and took towards forest area. Thereafter, the petitioner committed rape with the victim. It is also alleged that the petitioner has been having physical relations with the victim for six months prior to the alleged incident on the pretext of solemnization of marriage.



4. Learned counsel for the petitioner submits that the petitioner is innocent and committed no offence. He has falsely been implicated in this case due to dirty village politics. For the alleged occurrence, the FIR has been lodged in delay of eight days. It is also submitted that the victim has been examined by the doctor where no any sign of rape or external injury was found which shows the entire allegation is false and fabricated. Moreover, the petitioner is languishing in judicial custody since 21.7.2022.

5. Learned APP appearing for the state and learned counsel for the informant have vehemently opposed the prayer of regular bail and submitted that the petitioner is named in the FIR upon whom the specific allegation has been made. The victim also corroborates the prosecution in her statement recorded u/s 164 of the Cr.P.C. wherein, she specifically stated that the petitioner caught her forcefully and committed rape after threatening to kill her due to which she got pregnant. It is further submitted that the witnesses of this case have also supported the prosecution.

6. Having heard the learned counsel for the parties and considering the fact that there is direct allegation against the petitioner, this court is not inclined to enlarge him on bail and,



as such, his prayer for bail stands rejected.

7. The trial Court is directed to expedite the trial and conclude the same as soon as possible.

(Sunil Kumar Panwar, J)

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