

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30329 of 2022**

Arising Out of PS. Case No.-341 Year-2021 Thana- NAUTAN District- West Champaran

=====

RUPESH GIRI Son of Balister Giri Resident of Village - Gahiri Mathiya
Tola, P.s.- Nautan Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sachida Nand Rai, Advocate

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

=====

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

5 13-01-2023 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State in virtual court

proceeding.

Let the defects, as pointed out by the office, be

removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the

offences punishable under Sections 376, 312, 506 of the Indian

Penal Code and Section 4 of the POCSO Act.

According to prosecution case, in brief, is that the

F.I.R. named accused persons as well as the petitioner of this

case is continuously talking on phone with the daughter of the

informant (hereinafter called as ‘Victim’) aged about 14 years

and also making illicit relationship with her for last two years on

the pretext of marriage. He also aborted two times by giving the



victim girl medicines. Then again on 06.09.2021 the accused petitioner enticed the victim girl from her house and raped upon her. When she returned her village then the parents of the accused petitioner who are also F.I.R. named accused persons had threatened her to kill.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that no such occurrence has took place and due to previous enmity the petitioner has falsely been implicated in the present case and no case is made out under Section 376, 312 and 506 of the I.P.C. and Section 4 of POCSO Act.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one. He further submits that as per material available on the record and case diary submits that there is direct allegation against the petitioner and statement of the victim girl which was recorded under Section 164 Cr.P.C. in which she has supported the allegation as alleged in the F.I.R.

Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with Nautan P.S.



Case No. 341 of 2021 pending in the court of learned Additional District and Sessions Judge-6-cum-Special Judge (POCSO), Bettiah, West Champaran.

Prayer is refused.

(Rajesh Kumar Verma, J)

mdrashid/-

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

