

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32278 of 2023

Arising Out of PS. Case No.-15 Year-2023 Thana- MOTIPUR District- Muzaffarpur

NEERAJ KUMAR SON OF SHATRUDHAN BHAGAT Resident of Village-
Kodarkatta Puran Tola, P.S.- Motipur, District-Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Adv.

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 27-07-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Motipur P.S. Case No. 15 of 2023 dated 15.01.2023
registered for the offence under Sections 376, 504 and 506
of the Indian Penal Code and Section 6 of the POCSO Act.

The petitioner is alleged to have been establishing
physical relation with the daughter of the informant for last
two years due to which the victim got pregnant.

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 on bare perusal of the F.I.R., it appears that the petitioner has established forceful physical relation with the daughter of the informant. He further submits that on bare perusal of the F.I.R., it appears that the occurrence is alleged to have been committed on 26.11.2022 whereas the instant F.I.R. has been lodged on 15.01.2023 after more than one and half months without any explanation. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 26.12.2022.

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 victim in her statement recorded under Section 164 Cr.P.C. has categorically stated that the petitioner has committed rape upon her. Apart from that the medical report of the victim also suggest that the victim was pregnant at the time of her medical examination and she was minor that the relevant point of time.

Considering the facts and circumstances of the case



and the statement of the victim under Section 164 Cr.P.C. as well as the direct allegation of commission of rape against the petitioner, 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)

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