

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44316 of 2022

Arising Out of PS. Case No.-358 Year-2022 Thana- SONEPUR District- Saran

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1. Rakesh Kumar Rai Son of Laddu Rai Resident of Village - Sonpur, Meena Bazar, P.S.- Sonpur, District - Saran (Bihar).
 2. Gautam Rai Son of Upendra Rai Resident of Village - Sonpur, Meena Bazar, P.S.- Sonpur, District - Saran (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Amit Kumar, Advocate
For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

6 20-03-2023 Heard learned counsel for the petitioners and the learned
APP for the State.

Petitioners seek regular bail in connection with Sonpur P.S. Case No. 358 of 2022 registered for the offences punishable under Section 376(D) of Indian Penal Code and Sections 4/6 of POCSO Act.

As per the prosecution, the informant's minor daughter (victim) aged about twelve years was raped by these petitioners at the alleged place.

The main submissions advanced by learned counsel for petitioners are that the age of the victim has been assessed as between 16 and 18 years as per her medical report, the petitioners have been languishing in jail since 13.06.2022 and

due to political rivalry the instant case has been falsely prepared and in the medical examination of the victim, any sign of sexual intercourse with her has not been revealed and both the petitioners have good reputation in the society and after the institution of FIR of present matter, the co-villagers of the petitioners filed a petition Annexure-2 before the Superintendent of Police at Saran showing the innocence of the petitioners.

Learned APP for the State has opposed the bail prayer.

Having considered the seriousness of the occurrence which relates to kidnapping of a minor girl as per FIR and during investigation the so called victim recorded her statement before the Judicial Magistrate in which she made specific allegation of kidnapping as well as rape against both the petitioners, in my opinion, it is not a fit case for bail to the petitioners. Accordingly, their bail prayer stands rejected.

Both the petitioners may renew their bail prayer after the examination of the victim in their trial.

(Shailendra Singh, J)

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