

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45192 of 2022

Arising Out of PS. Case No.-101 Year-2021 Thana- MAHILA P.S. District- Samastipur

NAVIN KUMAR S/O SURENDRA NATH SAH @ SURENDRA SAH
Resident of village- Chakbidulia, P.S.- Bibhutipur, District- Samastipur
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Abhay Shankar Singh, Adv.
For the Opposite Party/s	:	Mr.Dr. Kumar Uday Pratap, APP
For the Informant	:	Mr.Surendra Kishore Thakur, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 20-02-2023 Heard learned counsel for the petitioner, learned counsel
for the informant and learned APP for the State.

The petitioner apprehends his arrest in a case registered
for the offence punishable u/s 376 of the IPC and section 4 of
POCSO Act, 2012.

The allegation against the petitioner is that he committed
rape upon the daughter of informant on two occasions.

It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has committed no offence. He
has been falsely implicated in this case. No such occurrence, in
the manner as alleged, has ever taken place. It is submitted that
the alleged occurrence is said to have taken place on 04.07.2020
and 25.11.2020 but the complaint case has been filed on
21.08.2021 i.e. after delay of one year without giving any



plausible explanation, which itself creates doubt about the prosecution case. It is further submitted that earlier the father of victim has fired upon this petitioner, who lodged a case bearing Vibhutipur P.S. Case No.184/2020 against the husband of the present informant and for the alleged offence, he was sent to the jail. Thereafter, after coming from the jail, this concocted case has been lodged to implicate the petitioner by the husband of the informant. Petitioner has no criminal antecedent.

Learned APP for the State as well as learned counsel for the informant vehemently opposed the prayer for bail.

Considering the delay in lodging the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Mahila P.S. Case No.101 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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