

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52025 of 2022

Arising Out of PS. Case No.-56 Year-2021 Thana- BAHERI District- Darbhanga

Niraj Kumar Son Of Mr. Ram Kumar Yadav R/O Village- Baskatti, P.S.-
Baheri, District- Darbhanga

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh, Advocate

For the Opposite Party/s : Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 07-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
26.07.2022 in connection with Baheri P.S. Case No. 56 of 2021,
F.I.R. dated 09.03.2021 for the offences punishable under
Section 376 of the Indian Penal Code and Sections 4 and 8 of
the POCSO Act.

According to prosecution case, the petitioner on the
assurance of marriage made physical relationship with the
victim and when the victim made pressure for marriage, then the
petitioner loiter the matter on the pretext of victim being minor.



It is further alleged that the petitioner committed rape upon her due to which she become pregnant but later on the petitioner forcefully got her pregnancy terminated.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. She further submits that the allegation as alleged in the F.I.R. is false and fabricated and no such occurrence took place. She further submits that there is no medical evidence to support the allegation as alleged in the F.I.R.

Vide order dated 20.02.2023 a report was called with regard to the present stage of trial. Report of the learned Trial Court dated 27.02.2023 reveals that the charge has been framed against the petitioner under Section 376(3), 376(2) of the Indian Penal Code and Section 4(2), 6 read with Section 5(1) of the POCSO Act and till date 3 prosecution witnesses have already been examined including the victim.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the report of the learned Trial Court and the fact that the victim was minor, I am not inclined to enlarge the petitioner on bail in connection with Baheri P.S. Case No. 56



of 2021 pending in the court of learned Exclusive Special Judge,
POCSO Act, Darbhanga.

Prayer is refused.

However, the learned Trial Court is directed to
expedite and conclude the trial at the earliest.

(Rajesh Kumar Verma, J)

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