

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53313 of 2023

Arising Out of PS. Case No.-81 Year-2022 Thana- MAHILA P.S. District- Samastipur

=====

Rohit Kumar Son Of Ashok Ram Resident Of Ward No.12 Raypur, P.S. -
Ujiyarpur, District – Samastipur Petitioner/S

Versus

The State Of Bihar Patna Opposite Party/S

=====

Appearance :

For the Petitioner/s : Mr. Ram Jiban Pd. Singh, Advocate
For the Opposite Party/s : Mr. Dr. Ajeet Kumar , APP

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 22-09-2023 Heard learned counsel for the petitioner and the State.

2. Petitioner apprehends arrest in a case registered for the offence punishable under sections 376, 323 , 341 , 504, 506 I. P . C . and 4 of the POCSO Act.

3. As per prosecution case, on 10.03.2022, the victim was alone in her house in meantime, this petitioner entered into her house and committed rape with her resulting in pregnancy .When the family members of the victim went to complain to the house of accused, the victim and her family members were assaulted with lathi and danda .

4. It is submitted on behalf of the petitioner that the petitioner is quite innocent and has falsely been implicated in this case due to old enmity. As a matter of fact the parents of the petitioner opposed the illegal activities of the mother of the informant and her three daughters, due to which petitioner and



his family was threatened to be falsely implicated in the rape case if any complaint was made against them. On May 13, 2022, the mother of the informant, along with her three daughters, came to the house of the petitioner and began to assault and openly threatened the petitioner's side to face dire consequences. Thereon, the father of the petitioner became too fearful, and to save his family members, he filed an informatory petition before the Sub-Divisional Magistrate, Dalsingsarai, against the mother and sisters of the informant, which was registered as Informatory Petition No. 593 of 2022. The father of the petitioner gave a similar application as a public petition signed by 69 co-villagers to the O/C Ujiyarpur Police Station on May 27, 2022, through Regi. Post and a copy thereof to S. D. P. O. Dalsingsarai and S. P. Samastipur. The petitioner has not committed any offence as alleged in the prosecution. Petitioner claims clean antecedent.

5. However, learned counsel for the State opposes the prayer for bail and submitted that there is specific and direct allegation of commission of rape is against this petitioner. It is further submitted that victim in her statement recorded under Section 164 Cr. P . C . has supported the prosecution case . As per medical report victim is pregnant.



6. Considering the statement of the victim under Section 164 Cr. P . C . and medical report of the victim and gravity of allegation , prayer for pre-arrest bail of the petitioner is rejected.

(Prabhat Kumar Singh, J)

Kaushik/-

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

