

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53406 of 2022

Arising Out of PS. Case No.-128 Year-2022 Thana- DULHIN BAZAR District- Patna

RAKESH KUMAR, Son of Parshuram @ Pashuram Bhagat Resident of
Village - Pirhi, P.O.- Dihuli, P.S.- Dulhin Bazar, District - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shyameshwar Kumar Singh, Advocate
For the Opposite Party/s : Mr.Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 05-04-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Dulhin Bazar P.S. Case No. 128 of 2022 dated 30.05.2022
registered for the offence(s) punishable under Section(s) 354,
376, 324, 307, 506/34 of the Indian Penal Code and Sections 4
and 6 of the POCSO Act.

As per the prosecution, the informant (prosecutrix)
alleged that this petitioner with co-accused persons established
physical relation with her for the last three years and also the
accused persons used to abuse and molest her on the way to her
coaching. Further, it is alleged that the accused persons slit the
informant's wrist using blade and they also threatened her for
dire consequences.



The main submissions advanced by the learned counsel for the petitioner are that as per the prosecution the alleged occurrence took place in broad day light but no independent person was made witness of the said occurrence, there is no specific allegation against the petitioner, two co-accused persons who were also named in the FIR have not been sent up by the police and as per the FIR, the petitioner and co-accused persons had been making physical relationship with the informant for the past three years regarding which no objection was raised by the victim which shows that she was a consented party to the said physical relationship. Further submission is that the petitioner has been languishing in jail since 31.05.2022.

Learned APP appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR and the case diary of this case. As per FIR, the victim is stated to be 15 years old and she lodged the FIR and as per the prosecution's story revealed by her, the accused persons including the petitioner had been making physical relationship with her for the past three years before the institution of the FIR which shows that the victim was minor when the accused persons including the



petitioner established the said physical relationship and on the alleged day and time of occurrence, this petitioner and co-accused persons caused injury at the wrist of the victim by using blade and the same is corroborated from the victim's medical report, in the light of serious allegations appearing against the petitioner and the fact that he is stated to be a teacher at the aforesaid institute where the victim was taking tuition, in my opinion, it is not a fit case for bail to the petitioner. Accordingly, his bail prayer stands rejected.

(Shailendra Singh, J)

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