

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59121 of 2023**

Arising Out of PS. Case No.-13 Year-2022 Thana- MAHILA P.S. District- Samastipur

Mahendra Sah S/O- Late Sitaram Sah Village- Mubarakpur Ps- Musarigharari
Dist- Samastipur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikash Kumar Jha, Adv.

For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER**

3 08-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Samastipur Mahila P.S. Case No. 13 of 2022 lodged under
Sections 376, 341, 323, 504, 506, 34 of the I.P.C. read with
Section 4 of the POCSO Act.

3. As per the F.I.R., the allegation has been made
against the present petitioner that he has committed rape with
the informant due to which she became pregnant and then only
the family members got knowledge of that and in result, the
present F.I.R. has been filed.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He submits
that the entire allegation is false and not accepted due to the
reason that the informant gave birth of a child on 04.06.2023
and if the date of occurrence as per the F.I.R. is said to be true
then in that case, the said rape alleged to be committed in the



month of December, 2022 and in just within 6 months, delivery of child is not possible.

5. Counsel for the petitioner further submits that petitioner is in custody is since 12.06.2023 having clean antecedent.

6. Learned counsel for the State opposes the prayer for bail.

7. Learned counsel for the informant vehemently opposes the prayer for bail and submits that case diary as well as statement under Section 164 of the Cr.P.C. has been called for.

8. Upon perusal of the statement, it transpires to this Court that the said victim has categorically made allegation that the petitioner has committed the said act with her. It has been observed by this Court that the mental condition of the victim is not normal as she is little bit depressed.

9. In the present facts and circumstances of this case and the submissions made above, this Court is not inclined to grant bail to the petitioner. Therefore, the bail application of the petitioner is hereby rejected.

(Dr. Anshuman, J.)

Prakashmani/-

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