

Arising Out of PS. Case No.-4 Year-2023 Thana- MAHILA P.S. District- Bhojpur

Arising Out of PS. Case No.-4 Year-2023 Thana- MAHILA P.S. District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Adv.
For the Opposite Party/s : Mr. Navin Kumar Pandey, APP
For the Informant : Mr. Prithvi Raj Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-09-2023 1. Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

2. Petitioner, who is in custody since 07.06.2023 seeks bail, in connection with POCSO Case No.40/2023, arising out of Mahila P.S. Case No.04/2023, dated 27.01.2023, for the offences punishable under Sections 341, 323, 506, 504, 376 of the IPC & Section 4/6 POCSO Act.

3. According to prosecution case, the petitioner is alleged to have committed rape upon the daughter of the informant.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been



implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitionere has not committed any offence as alleged in the F.I.R. He further submits that from perusal of the F.I.R., it appears that the petitioner has physical relation with the daughter of the informant since long and she has not filed any complaint before the police and suddenly in January, 2023, the informant has filed the present case alleging therein that the petitioner has committed rape upon her. He further submits that the Medical Board suggests that the age of the victim is between 19 to 21 years, which suggests that the victim was major.

5. Learned counsel for the informant as well as learned Additional Public Prosecutor for the State on the other hand have vehemently opposed the prayer for bail of the petitioner and submits that the petitioner has committed rape upon the daughter of the informant and it has come during investigation in paragraph 37 of the case diary, in which the medical report of the victim suggests that the victim was pregnant at the time of medical examination and the date of birth of the victim is 01.03.2005, which suggests that the victim was minor at the time of occurrence.

6. Considering the aforesaid facts, I am not inclined to



enlarge the petitioner on bail in connection with POCSO Case No.40/2023, arising out of Mahila P.S. Case No.04/2023, pending in the Court of learned 6th Additional District and Sessions Judge-cum-Special Judge, POCSO Act, Bhojpur, Arrah.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

amit/-

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

