

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56427 of 2022

Arising Out of PS. Case No.-315 Year-2021 Thana- MADHUBAN District- East Champaran

Mithu Rai, aged about 22 years, (Male), S/O Bhola Rai Resident of village-
Dihu Tola, P.S- Madhuban, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Adv.
For the Opposite Party/s : Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 11-01-2023 Heard learned counsel for the petitioner and the learned APP
for the State.

The petitioner seeks bail in connection with Madhuban P.S.
Case No. 315/2021 registered for the offence punishable under
Sections 377, 34 of the of the Indian Penal Code (for brevity 'IPC')
and Section 4 and 6 of POCSO Act.

Petitioner is alleged to have subjected the informant's ten (10)
year old son to unnatural sexual intercourse.

Learned counsel for the petitioner submits that it is a case of
false implication with oblique motive based on local village politics.
Petitioner is in custody since 18.09.2021.

Learned APP for the State has opposed the prayer for bail. It is
submitted that from the order of the special court rejecting the
petitioner's prayer, it is obvious that the victim has supported the
allegation in his statement under Section 164 of the Code of Criminal
Procedure (for brevity 'Cr.P.C.'). Other witnesses have also in the
investigation supported the allegation against the petitioner.

Considering the rival submissions, material collected in the



investigation and the statement of the victim recorded under Section 164 of the Cr.P.C., this Court, for the limited consideration of the plea for bail, is inclined to accept the submissions advanced by learned APP.

This court is not inclined to allow the prayer for bail. Prayer is rejected.

The trial Court should proceed to conclude the trail expeditiously.

(Madhuresh Prasad, J)

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