

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58669 of 2022

Arising Out of PS. Case No.-394 Year-2022 Thana- SAHEBGANJ District- Muzaffarpur

RAM BILASH PASWAN S/O LATE GOPAL PASWAN, Resident of village-
Bajnathpur, P.S.- Sahebganj District- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Bela Singh

For the Opposite Party/s : Mr. J.N. Thakur

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 13-03-2023 Heard the learned counsel for the petitioner as well as
the learned Additional Public Prosecutor for the State.

The petitioner is seeking regular bail in connection with
Sahebganj P.S. Case No. 394 of 2022 registered for offence
punishable under section 376 of the Indian Penal Code and
sections 4/6 of the POCSO Act.

The prosecutrix is a minor girl of 14 years of age. As
per allegation, the petitioner administered the victim some
intoxicant and he committed rape upon her. She became pregnant.
The petitioner threatened her not to disclose the fact, otherwise her
marriage would not be solemnized.

The learned counsel for the petitioner has submitted that
the petitioner has falsely been implicated in this case merely
because that the father of the prosecutrix had taken money from



the petitioner and the petitioner was making pressure to return his money. She has also submitted that the prosecutrix in her statement under section 164 of the Cr. PC has disclosed that the petitioner is her close relative.

On the other hand, Mr. J.N. Thakur, the learned APP by drawing my attention towards the statement of the victim under section 164 of the Cr. PC, has submitted that the victim has stated in her statement that the petitioner, who happens to be father-in-law of the mother of the prosecutrix, administered some intoxicant in *Pepsi* and he committed rape upon her. After some days, the prosecutrix felt pain in her abdomen. Later on, it was detected that she was pregnant. The statement of the victim disclosed that the petitioner being grandfather in relation of the prosecutrix who is a minor girl of 14 years of age, committed rape upon her after administering some intoxicant to her.

Considering the above-mentioned facts and circumstances, in my view, the petitioner does not deserve the privilege for bail. Accordingly, his prayer for bail is rejected.

It is expected that the trial should be concluded within a period of one year from the date of communication of this order.

(Nawneet Kumar Pandey, J)

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