

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59288 of 2022

Arising Out of PS. Case No.-42 Year-2022 Thana- MAHILA P.S. District- Rohtas

Rupesh Bhagat @ Kundan Bhagat ,S/o Satyendra Bhagat R/V- Kaniari, P.S.-
Dinara (Bhanas O.P.), Distt- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Surendra Kumar Mishra, Advocate
		Mr. Shashikant, Advocate
For the Opposite Party/s :		Mr. Binod Kumar No.3, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 22-03-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Mahila P.S. Case No. 42 of 2022 registered for the offences
punishable under Sections 366(A) and 376 of the Indian Penal
Code and Sections 4/6 of POCSO Act.

As per the prosecution, the informant's minor
daughter (victim) aged about 16 years was kidnapped and raped
by this petitioner at the alleged place.

The main submissions advanced by the learned
counsel for the petitioner are that the instant matter was lodged
due to previous enmity running in between both the parties, the
so-called victim has made contradictory statements in her



statements recorded under sections 161 and 164 of Cr.P.C. respectively and the FIR was lodged after the delay of more than two days but the same has not been explained by the prosecution, petitioner is young and educated person and has been languishing in jail since 06.08.2022 and during investigation only interested witnesses were examined.

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

Considering the seriousness of the allegation appearing against this petitioner from the FIR as well as getting support from the victim's statement recorded by her before the Judicial Magistrate, this court is not inclined to accept his bail prayer for the present. Accordingly, his bail prayer stands rejected.

(Shailendra Singh, J)

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