

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58457 of 2022

Arising Out of PS. Case No.-59 Year-2019 Thana- MAHILA P.S. District- Samastipur

SANTOSH RAI @ SANTOSH RAY Son of Ashok Ray R/V- Madhopur Rani
Tol, P.S- Muffasil, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arjun Prasad

For the Opposite Party/s : Mr.Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 02-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in connection with Samastipur Mahila P.S. Case No. 59 of 2019 instituted for the offence under Sections 376(A/B)/34 of the Indian Penal Code and Sections 4/18 of the POCSO Act.

The prosecution story is short is that while the informant's daughter was sleeping at night in her house, the accused petitioner along with co-accused entered her house in drunkenness position and this petitioner committed rape with the victim, who is alleged minor, thereafter, they fled away.

Learned counsel for the petitioner submits that the petitioner is innocent and committed no offence. He has falsely been implicated in this present case due to land dispute between



the parties. It is further submitted that the petitioner is languishing in judicial custody since 23.6.2022.

Learned APP appearing for the state has opposed the prayer of regular bail and submitted that there is direct allegation against the petitioner of commission of rape with the minor victim. The statement of victim recorded under section 164 of the Cr.P.C. also supports the prosecution story and the victim also stated in her statement that the accused petitioner namely, Santosh Rai committed rape with her after pressing her mouth forcefully.

Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

The trial Court is directed to expedite the trial and conclude the same as soon as possible.

(Sunil Kumar Panwar, J)

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