

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72357 of 2022

Arising Out of PS. Case No.-429 Year-2022 Thana- SARAIYA District- Muzaffarpur

BHUSHAN BHAGAT S/o Premchandra Bhagat @ Musafir Bhagat R/v-
Gosai Chapra, P.S.- Saraiya, District- Nuzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yogesh Chandra Verma, Sr. Adv.

Ms. Kumari Vandana

For the Opposite Party/s : Mr.Shailendra Kumar

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

ORAL ORDER

3 20-04-2023 Heard the learned Senior counsel Sri Yogesh Chandra Verma for the petitioner as well as the learned Additional Public Prosecutor for the State.

The petitioner is seeking regular bail in connection with Saraiya P.S. Case No. 429 of 2022, registered for the offences punishable under Section 376 of the IPC and sections 4 and 6 of the POCSO Act.

As per allegation, the daughter of the informant, aged about 13 years and her younger brother went to pluck fruits of *khajoor*. Meanwhile, the petitioner, who is a married person, came there. He sent the son of the informant for bringing *Guthka* and thereafter he committed rape upon her. The informant noticed his daughter in depression and anxiety and



asked her as to what had happened? Then, she replied that the petitioner has committed rape upon her and threatened to kill her brothers.

The learned Senior counsel Sri Yogesh Chandra Verma has submitted that there is delay of 8 days in lodging of the FIR. As per medical report, no spermatozoa was found on the person of the prosecutrix. The petitioner has been implicated due to village politics.

On the other hand, the learned APP Sri Shailendra Kumar for the State has opposed the prayer for bail and submitted that the petitioner, who is already a married person has committed rape upon the daughter of the informant, aged about 13 years and the prosecutrix in her statement under Section 164 of the Cr.P.C. has corroborated the factum of rape.

In my view, the petitioner does not deserve the privileges of bail, which is hereby rejected.

(Nawneet Kumar Pandey, J)

Kundan/Nirmal

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