

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74278 of 2022

Arising Out of PS. Case No.-140 Year-2022 Thana- BELA District- Sitamarhi

SHANKAR RAM S/o Raj Kishore Ram R/o Bhujaulia, P.S.- Bela, Distt-Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh
For the Opposite Party/s : Mr.Harendra Prasad

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 03-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in a case instituted for the offence under Sections 376(D) of the Indian Penal Code and Section 4 of POCSO Act.

It is a case of committing rape by the petitioner along with other accused upon the minor daughter, aged about 14 years, of the informant, when she went towards orchard for catching the kid of buffalo. It is further alleged that they threatened her on the point of knife to kill her if she tell about the alleged offence.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this case. The F.I.R. has been lodged after the delay of more than 15 days. The



Petitioner is languishing in judicial custody since 09.06.2022.

Learned APP appearing for the State has vehemently opposed the prayer of bail and submitted that as per medial report, the victim girl is minor. The statement of the victim girl was got recorded under Section 161 of Cr.P.C. as well as Section 164 of Cr.P.C. which is mentioned in para 25 and 35 of the case diary respectively, wherein she has levelled specific allegation against the petitioner and has stated that the petitioner and co-accused also committed rape with her several times.

Having heard learned counsel for the parties and taking into consideration that there is direct allegation of committing rape against the petitioner, I am not inclined to grant bail to the petitioner and, as such, his application for bail is rejected.

The trial court is directed to expedite and conclude the trial.

(Sunil Kumar Panwar, J)

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