

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1640 of 2023

Arising Out of PS. Case No.-480 Year-2022 Thana- SHIVSAGAR District- Rohtas

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DULAR SAH Son of Mohan Sah R/v- More Sarai Patti Chaturbhuz, P.S.-
Shivsagar, District- Rohtas

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vinay Kumar Singh

For the Opposite Party/s : Mr.Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 15-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for regular bail has been filed by the petitioner instituted for the offence punishable under Section 376 of the Indian Penal Code and Section 4/6 of the POCSO Act and Section 3(ii)(va) SC/ST Act.

It is a case of committing rape by the petitioner upon the informant's minor daughter, aged about 17 years, when she had gone to field for defecate. On hearing hulla made by the victim girl, three villagers came there and caught the petitioner.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. Both the parties are co-villagers and due to some previous enmity between the parties, he has been falsely



implicated in this case. Petitioner has no criminal antecedent and he is languishing in judicial custody since 23.09.2022.

Learned APP appearing for the State has opposed the prayer of bail and submitted that statement of the victim girl was got recorded under Section 164 Cr.P.C., wherein she has made direct allegation of rape against the petitioner.

Having heard learned counsel for the parties and taking into consideration that there is direct allegation of committing rape against the petitioner upon the minor girl of the informant, 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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