

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74052 of 2022

Arising Out of PS. Case No.-47 Year-2022 Thana- MAHILA P.S. District- Purnia

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RAJESH KUMAR PASWAN S/O LATE RAM KISHUN PASWAN Resident
of Village- Champawati, P.S.- Sarsi, District- Purnia.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.N.K. Agrawal, Sr. Adv. Dr. Bidhu Ranjan
For the Opposite Party/s :		Mr.Bharat Bhushan

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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
Sections 376, 506 of the Indian Penal Code and Section 4/6 of
the POCSO Act.

It is a case of commission of rape by the petitioner
upon the minor girl, aged about 14 years, resulting into
pregnancy of 4-5 months. The alleged occurrence took place in
absence of the parents of the victim girl. Petitioner is uncle of
the victim girl and both are living in the same courtyard.

Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no
offence. Informant and father of the petitioner are brothers and
they are living in a same courtyard. Due to some previous



enmity between the parties, he has been falsely implicated in this case. Victim has given tutored statement u/s 164 Cr.P.C. Petitioner is languishing in judicial custody since 19.09.2022.

Learned APP appearing for the State has opposed the prayer of bail and submitted that petitioner is named in the FIR. During investigation, several witnesses have supported the prosecution story. 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. Medical report also corroborates the prosecution case and confirm her pregnancy of 4-5 months.

Having heard learned counsel for the parties and taking into consideration that petitioner has exploited the victim girl physically, mentally and socially, 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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