

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7573 of 2024

Arising Out of PS. Case No.-95 Year-2021 Thana- MADHUBAN District- East Champaran

Kunnu, aged about 20 years (Male), Son of Krishnath Sahani, Resident of village- Koilahara Math, P.S.-Madhuban, Distt- East Champaran, Motihari.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mrs. Kumari Anjali, Advocate

For the Opposite Party : Mr. Md. Mushtaque Alam, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 01-05-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Madhuban P.S. Case No. 95 of 2021 dated 11.04.2021 registered for the offences punishable under Sections 341, 323 and 376AB of the I.P.C.

3. As per the prosecution case, the informant-cum-victim, who is eight years old has alleged that on 08.04.2021 at 9.10 P.M., the petitioner came, pressed her mouth and took her in a paddy field, where he assaulted and raped her. The informant fled away and disclosed it to her sister-in-law (bhabhi). Her mother and neighbour took her to the Primary Health Centre and later on, she was referred to the Sadar



Hospital, Motihari.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case only on the basis of suspicion. It is submitted that the occurrence took place on 08.04.2021 and the F.I.R. has been lodged on 11.04.2021 for which no explanation has been given by the prosecution. There was love affair between the parties and both fled away from the village for performing marriage. The petitioner is in custody since 15.04.2021. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner by submitting that there is direct allegation against the petitioner for commission of rape on the victim. The victim in her statement recorded under Section 164 of the Cr.P.C., has supported the prosecution case and blood started coming out from the private part.

6. Considering the aforesaid facts and circumstances of the case as well as finding substance in the contention of learned counsel for the State, this Court is not inclined to grant bail to the petitioner and the same is rejected in connection with POCSO Trial No. 36 of 2021, arising out of Madhuban P.S. Case No. 95 of 2021, pending in the court of learned Additional



Sessions Judge-cum-Sessions Judge, POCSO Act, Motihari.

7. Learned court below is directed to conclude the trial of the petitioner at the earliest.

(Chandra Prakash Singh, J)

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