

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21279 of 2024**

Arising Out of PS. Case No.-31 Year-2023 Thana- MAHILA THANA District- Begusarai

Azad Singh @ Azad Jyoti Son of Manoj Kumar Resident of Village- Bihat,
Ward No. 30, P.S.- Barauni, District- Begusarai, At present C/o Sadanand
Singh (House Owner), Ward No. 28, Dinkar Road, Lohia Nagar North, P.S.-
Lohianagar O.P., District- Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manoj Kumar Saini S/o Late Jagdeep Sahni R/o At P.O. - Sadpur, P.s. -
Sahebpur Kamal, Distt. - Begusarai

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Hare Krishna Prasad
For the Opposite Party/s :	Mr.Umanath Mishra

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

ORAL ORDER

5 30-07-2024 Heard the learned counsel for the petitioner and
learned APP for the State.

2. This is an application for regular bail on
behalf of the petitioner for the offences alleged under Sections
376, and 506/34 the Indian Penal Code and Sections 4(ii), 6
and 8 of the POCSO Act, registered in connection with
Begusarai Mahila P.S.Case No. 31 of 2023.

3. As per allegation, the informant's minor son
and daughter for their studies were residing in a rented
accommodation under the tutelage and superintendence of the



petitioner. Since the petitioner with his wife was also residing in the same locality in a rented accommodation, his wife used to call the children to do some domestic chores. It is also mentioned in the *fardbayan* of the informant that their children had studied in the petitioner's school in their childhood. The petitioner taking advantage of gullibility of the informant's daughter committed rape upon her. On query, the petitioner and his wife threatened the informant and his family with dire consequences.

4. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case and has committed no wrong. It is further submitted that the FIR was lodged after three months of the alleged offence.

5. In the statement recorded under Section 164 of the CrPC, the Magistrate has assessed the age of the victim as 16 years. The witness have also supported the prosecution case.

6. The learned APP for the State has opposed the prayer for bail and submitted that the petitioner does not deserve the privilege of bail for their inexcusable act by ravishing the 16-year-old daughter of the informant.



7. Considering the above facts and circumstances of the case, and in view of graveness of the offence, I am not inclined to grant the petitioner the privilege of bail which is hereby rejected.

(Nawneet Kumar Pandey, J)

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