

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15928 of 2024

Arising Out of PS. Case No.-59 Year-2023 Thana- MAHILA PS District- Gaya

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Premchand Kumar @ Premchandra Kumar Son of Dularchand Paswan
Resident of Village- Baida, P.S.- Amas, District- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Sunita Devi Wife of Mahendra Paswan Resident of Village- Bajitpur, P.S.- Gurua, District- Gaya
3. Victim Kushi Kumari D/o Mahendra Prasad underguardian of her mother namely Sunita Devi. Resident of Village- Bajitpur, P.S.- Gurua, District- Gaya

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Md. Javed Jafar Khan, Adv.
For the Informant	:	Mrs. Sarita Kumari, Adv.
For the Opposite Party/s	:	Mr.Uday Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 15-05-2024 Heard learned counsel for the petitioner and

learned counsel for the informant as well as learned A.P.P

for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Mahila P.S. Case No. 59 of 2023 dated 17.07.2023 registered for the offence/s punishable u/ss 376, 376(3), 504, 506 of the Indian Penal Code and section 4/6 of the POCSO Act.

3. As per the prosecution case, the petitioner is alleged to have committed rape on the informant's deaf



minor daughter aged about 13 years.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. There is a delay of four months in lodging the FIR without any reasonable explanation. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 18.07.2023.

5. Learned counsel for the informant as well as learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner. It is further stated that there is specific allegation against the petitioner for committing rape on the victim due to that she became pregnant. As per medical board the age of the victim is assessed between 13 to 14 years and there is definite sign of sexual intercourse. Rape cannot be denied. It is further submitted that as per statement recorded u/s 164 of the Cr. P.C. , the victim was sexually assaulted by the petitioner and due to that she became pregnant.

6. Considering the aforesaid facts and circumstances of the case as well as the specific and heinous nature of allegation against the petitioner , I am not



inclined to enlarge the petitioner on bail.

7. The application stands rejected.

(Chandra Prakash Singh, J)

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