

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20662 of 2024

Arising Out of PS. Case No.-361 Year-2023 Thana- RANIYATALAB District- Patna

Baula Saw @ Mirtyunjay Kumar S/o Natwar Saw R/o Village- Kab, P.S. -
Ranitalab, District - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sunita Devi W/o Munna Kumar R/o Vill - Kab, P.S. - Ranitalab, Dist. - Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Amrendra Kumar, Adv.
For the Opposite Party/s	:	Ms.Veena Kumari Jaiswal, APP
For the Informant	:	Mr. Rajendra Nath Sinha, Adv.

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 15-05-2024 Heard learned counsel for the petitioner and learned
APP for the State as also counsel for the Informant. Perused the
case diary.

2. The petitioner seeks bail in connection with Rani
Talab P.S. Case No. 361 of 2023 instituted for the offences
under Section 377 of the Indian Penal Code and Section 4, 6 of
the POCSO Act.

3. As per prosecution case, the accusation against the
accused/petitioner is of establishing unnatural physical
relationship with the 13-years-old minor son of the Informant.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged



against him and has falsely been implicated in the present case. He further submits that the petitioner was not arrested from the spot and nothing incriminating has been recovered from the conscious possession of the petitioner. There is a delay of two days in instituting the F.I.R. without any valid explanation for the same. There is also no independent witness to support the prosecution case. The petitioner has no concern with the alleged occurrence. The petitioner has no criminal antecedent and is languishing in judicial custody since 30.12.2023 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State and the Informant have vehemently opposed the prayer for grant of bail to the petitioner, stating that the petitioner is the sole named accused in this case and has committed serious offence. In the statement of the victim made under Section 164 Cr.P.C., he has fully corroborated the allegation made in the F.I.R. After completion of the investigation, the I.O. has submitted charge-sheet under Section 377 of the I.P.C. and Section 4/6 of the POCSO Act.

6. Having considered the entire facts and circumstances of the case as also taking into account the nature and gravity of the allegations, this Court is not inclined to grant



bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner,
above named, is rejected with a direction to the court below
to expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

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