

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33432 of 2024

Arising Out of PS. Case No.-8 Year-2024 Thana- BHORE District- Gopalganj

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Jitendra Sah S/o Late Ramnaresh Sah R/o vill - Laxmipur, P.s. - Bore, Distt. -
Gopalganj

... .. Petitioner

Versus

1. The State of Bihar
2. Nitu Devi W/o Harikesh Sah R/o vill - Lakshmipur, P.S. - Bhore, Distt. -
Gopalganj

... .. Opposite Partys

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Appearance :

For the Petitioner : Mr. Shashank Shekhar
For the Opposite Party : Mr. Nand Kishore Prasad

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 18-09-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Bhore P.S Case No. 08/2024 dated 11.01.2024 registered for the offences punishable under Sections 376AB of the Indian Penal Code and Section 4 and 6 of the POCSO Act.

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

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case on account of land dispute. Learned counsel has



submitted that the petitioner is uncle of the victim. The petitioner has no concern with the alleged occurrence. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 11.01.2022.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that the victim is a minor girl. The victim in her statement recorded u/s 164 of the Cr.P.C. has supported the prosecution case. As per the Medical Board, the age of the victim is assessed as 9-10 years and she has been subjected to sexual assault.

6. Considering the aforesaid facts and circumstances of the case as well as the heinous nature of allegation against the petitioner, this court is not inclined to grant bail to the petitioner and the same is rejected in connection with Bhore P.S Case No. 08/2024, pending in the court of learned Additional Sessions Judge VI-cum-Special Judge, POCSO, Gopalganj.

7. This application stands rejected.

(Chandra Prakash Singh, J)

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