

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39268 of 2024

Arising Out of PS. Case No.-780 Year-2023 Thana- NAUBATPUR District- Patna

Vidaya Das Son of Suresh Das @ Ram Ekbal Das Resident of -Sarifaganj,
P.S.- Malsalami, District -Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jai Murti Devi Wife of Budhan Das R/O Sabar Chak Daryapur, P.S.-
Naubatpur, Dist.- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ganesh Prasad Yadav, Adv.
For the Opposite Party/s	:	Mr.Harendra Prasad, APP
For the Informant	:	Mr. Kameshwar Singh, Adv.

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

ORAL ORDER

5 25-09-2024 Heard learned counsel for the petitioner and learned

APP for the State as also learned counsel for the Informant.

Perused the case diary.

2. The petitioner seeks bail in connection with Special
Case No. 297 of 2023 arising out of Naubatpur P.S. Case No.
780 of 2023 instituted for the offences under Sections 376, 201
of the Indian Penal Code and Section 4/6 of the POCSO Act.

3. As per prosecution case, the accusation against the
petitioner is of sexually harassing the 9 years old minor
daughter 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. The Informant is the own cousin mother-in-law of the petitioner. There is no eye-witness to the alleged occurrence. Even the Informant is not the eye-witness. The medical report does not corroborate the prosecution case as there is no mention of any sign of rape upon the victim girl. In the medical report, there is also no sign of any violence meted upon her. The petitioner has no criminal antecedent and is languishing in judicial custody since 14.11.2023 without any rhymes or reason. The Investigating Officer after completion of investigation has submitted charge-sheet against the petitioner under Section 376/201 of the I.P.C. and Section 4/6 of the POCSO Act. Charge has also been framed on 22.03.2024.

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 named in the F.I.R. and the offence alleged against the petitioner is serious in nature. Learned A.P.P. has further submitted that there is specific allegation against the petitioner of sexually harassing the 9 years old daughter of the Informant. The 164 Cr.P.C. statement of the victim girl fully corroborates the contents made in the F.I.R. and, hence, the petitioner does not deserve bail.



6. Having heard rival contention of both the parties and there being direct and specific allegation of sexually harassing the nine years old daughter of the Informant as also looking to the nature and gravity of the offence as alleged against the petitioner, 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.

(Rudra Prakash Mishra, J)

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