

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39853 of 2024

Arising Out of PS. Case No.-134 Year-2024 Thana- SAUR BAZAR District- Saharsa

Ranjeet Malakar Son Of Anoj Malakar Village- Madhura, Ward No. 4 Ps-
Saur Bazar, Po- Garhia Dist- Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kailash Sah @ Kailash Kumar Son Of Puran Sah Village- Madhura, Ward
No. 4 Ps- Saur Bazar, Po- Garhia Dist- Saharsa

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Amarnath Jha, Advocate
For the Opposite Party/s	:	Mr. Upendra Kumar, APP
For the Informant	:	Mr. Diwakar Prasad Singh, Advocate

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

ORAL ORDER

3 31-07-2024 Heard learned counsel for the petitioner, learned
counsel for the informant, learned APP for the State and perused
the case diary.

2. The petitioner seeks bail in Saur Bazar P.S. Case
No. 134 of 2024, instituted for the offences punishable under
Sections 341, 323, 504, 506/34 of the Indian Penal Code and
Section 12 of POCSO Act.

3. The prosecution case, in short, is that, the petitioner
attempted to commit rape on the minor daughter of the
informant aged about four years.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. Charge-sheet has been submitted in this case.



Learned counsel for the petitioner further submitted that there is a case and counter case between the parties. The petitioner and the informant are next door neighbours. The petitioner is in custody since 15.02.2024 and has got no criminal antecedent.

5. Learned counsel for the informant and learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned counsel for the informant also submits that the victim girl and her mother in their statement recorded under Section 164 of Cr.P.C. has levelled specific allegation of vulgarity and attempt to rape against the petitioner. The victim is aged about four years. Learned APP for the State further submitted that after completion of investigation Charge-sheet has been submitted under Sections 341, 323, 376, 511, 504, 506, 34 of the Indian Penal Code and under Sections 8, 12 of POCSO Act. Hence, the petitioner does not deserve the privilege of bail.

6. Considering the nature of accusation against the petitioner and the gravity of the offence, this Court is not inclined to grant bail to the petitioner.

7. The prayer is rejected.

(Rudra Prakash Mishra, J)

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