

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41715 of 2024

Arising Out of PS. Case No.-42 Year-2024 Thana- NTPC District- Patna

Rajiv Kumar, son of Upedesh Prasad Singh Village- Dhivar, Dhiwar,
Chaknawada, Barh, Dist- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Upendra Saroj, Son Of Rampyare Ram Village- Jasauli, Po- Prithvipur, PS-
Mardah, Dist- Ghazipur, Uttar Pradesh.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amarnath Kumar, Advocate

For the Opposite Party/s : Mr.Sadanand Paswan, Special P.P.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 25-09-2024 Heard Learned Counsel for the Petitioner and Learned
Special P.P. for the State.

2. The petitioner seeks regular bail in connection with
Special (POCSO) Case No. 64 of 2024 arising out of NTPC P.S.
Case No. 42 of 2024, lodged on 15.03.2024 under Sections
366A of the Indian Penal Code, Sections 8 and 12 of The
Protection of Children From Sexual Offences Act, 2012 and
3(1) (r) (s) of the Scheduled Caste and Scheduled Tribe
(Prevention of Atrocities) Act, 1989.

3. As per the prosecution case, the petitioner seduced
the minor daughter of the informant and took her to Barh where
in a hotel, he committed rape upon her.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The antecedent of the petitioner is clean and he is in custody since 15.03.2024. Counsel submits that the date of custody has inadvertently been typed in the bail application as 14.03.2024 whereas the rejection order stipulates the correct date of custody as 15.03.2024. Learned Counsel further submits that though the Informant has supported the allegation levelled in the FIR in 161 Cr. P.C. statement, the same was not corroborated by the Medical Board. There is no cogent witness at least to show that the petitioner went to the hotel where the alleged occurrence took place. Learned Counsel further submits that the petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him.

5. Learned Special P. P. for the State opposes the prayer for bail of the petitioner and submits that there is a specific allegation against the petitioner about the commission of crime under the provisions of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 as well as under the provisions of The Protection of Children From Sexual Offences Act, 2012.

6. At this juncture, this Court is not inclined to grant



bail to the petitioner. Accordingly, the prayer for regular bail of the petitioner in connection with Special (POCSO) Case No. 64 of 2024 arising out of NTPC P.S. Case No. 42 of 2024, pending before the Additional Sessions Judge, POCSO, Patna is hereby rejected.

9. However, the petitioner would be at liberty to renew his prayer for bail one year after the date of taking cognizance.

(Dr. Anshuman, J)

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