

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44570 of 2024

Arising Out of PS. Case No.-270 Year-2023 Thana- BARSOI District- Katihar

=====

Ganesh Soni @ Ganesh Kumar Soni Son of Amar Soni R/O Vill.- Sonar Patti,
P.S.- Barsoi, Dist.- Katihar

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Rumi Khatoon D/O Mazrul Haque R/O Vill.- Jalki, P.S.- Azamnagar, Dist.-
Katihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Rajendra Prasad Sah, Advocate
For the Opposite Party/s	:	Mr. Atul Chandra, APP
For the Informant	:	Md. Qumrul Hoda, Advocate

=====

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

ORAL ORDER

4 20-11-2024 Heard learned counsel for the petitioner, learned
APP for the State, learned counsel for the informant and perused
the case diary.

2. The petitioner seeks bail in connection with G.R.
No. 4976 of 2023, arising out of Barsoi P.S. Case No. 270 of
2023, instituted for the offences punishable under Section 376
of the Indian Penal Code and Sections 4/6 of the POCSO Act.

3. The prosecution case, in short, is that, on the
pretext of marriage the petitioner established physical
relationship with the informant, solemnized marriage with her
and made her pregnant. Later on the petitioner brought the
informant to Barsoi railway station and the petitioner fled away
from the spot.



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 under Sections 363, 366A, 376 of the Indian Penal Code as well as Sections 4/6 of the POCSO Act. Learned counsel for the petitioner also submits that the medical report available on record does not assign any exact age of the alleged victim. It is further submitted that instant case has been lodged after the stay of 15 days of the alleged victim with her family members. The petitioner is in custody since 24.08.2023 and has got no criminal antecedent.

5. Learned APP for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner. Learned APP for the State also submits that the victim has supported the occurrence of taking her away to Coimbatore and committing rape upon her several times resulting into her pregnancy by the petitioner in her statements recorded under Section 161 and 164 Cr.P.C. The medical report also corroborates the occurrence of commission of rape with the victim girl resulting into her pregnancy. It is further submitted that there is direct allegation levelled against the petitioner. Hence, the petitioner does not deserve the privilege of bail.



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

7. The prayer is rejected. The trial Court is directed to expedite the Trial expeditiously.

(Rudra Prakash Mishra, J)

Rajorshi/-

U		T	
---	--	---	--

