

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44034 of 2024

Arising Out of PS. Case No.-108 Year-2023 Thana- KARAMCHAT District- Kaimur
(Bhabua)

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PRABHAV PRATAP SINGH @ SONU SINGH SON OF LATE
NAGENDRA PRATAP SINGH VILLAGE- SABARGADH, P.S.-
KARAMCHAT, DISTT.- KAIMUR (BHABUA)

... .. Petitioner/s

Versus

1. The State of Bihar
2. NIBHA DEVI W/O- PRABHAKAR PRATAP SINGH @ SONU SINGH
VILLAGE- SABARGADH, P.S.- KARAM CHAT, DISTT.- KAIMUR
(BHABUA)

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Kumar Sunil, Advocate
For the Opposite Party/s :	Mr. Pushpa Sinha, APP
For the Informant :	Mr. Rajeev Ranjan No. II, Advocate
	Mrs. Kumari Seema Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

8 11-12-2024 Heard learned counsel for the petitioner, the State and
the informant.

2. The petitioner is in custody in connection with
POCSO Case No. 10 of 2024 arising out of Karamchat P.S. Case
No. 108 of 2023 for the offence punishable under sections 341,
323, 324, 307, 376, 504 and 34 of the Indian Penal Code, 37 of
the Bihar Prohibition and Excise Act and Section 6/17 of the
POCSO Act lodged on 06.11.2023 by the informant, Nibha
Devi.

3. As per the prosecution story, the informant who is



the wife of the petitioner alleged that she is married for more than a decade and blessed with two daughters and one newly born son. The two daughters are aged 13 years and 6 years respectively. The allegation is that her husband is financially dependable upon her brother-in-law (*devar*) who stays in Banaras and exploiting the said situation, he forced her husband to send the elder daughter to Banaras where she was sexually assaulted.

4. This was disclosed to the husband who did not accepted the fact and repeatedly used to thrash the children and on the fateful day, allegation is that both the thirteen and six years old daughters were brutally assaulted causing injuries, they became unconscious and shifted to hospital which followed the FIR.

5. Learned counsel for the petitioner submits that he being the father, it is unexpected that he will thrash his two daughters and also will not take any steps if it comes to his notice that his brother is sexually exploiting the elder daughter. Further, it is an exaggerated FIR lodged by his wife. He has remained in custody for more than a year and deserves bail.

6. Learned counsel appearing on behalf of the informant on the other hand submits that a perusal of the two



statements made by the victim girls under Section 164 of the Cr.P.C. would reveal that the entire prosecution story is correct, the elder sister was sexually assaulted by the uncle at Banaras, this was never accepted by the husband who always used to thrash the elder daughter and On the fateful day, both were beaten causing injuries.

7. It is his further submission that the trial is on and the girls have supported the prosecution story. He submits that of the twenty two witnesses, five have already been examined and the trial is moving in the right direction without any delay.

8. Considering the submissions as also the allegations that has come against the petitioner levelled by his own wife and the two small daughters, both minor, the same cannot be disbelieved as also during the trial, the daughters have supported the prosecution story, no case of bail is made out.

9. The present bail application stands rejected.

(Rajiv Roy, J)

Adnan/-

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