

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51081 of 2024

Arising Out of PS. Case No.-2 Year-2024 Thana- SARMERA District- Nalanda

NIRAJ KUMAR @ NIRAJ CHAUHAN SON OF SUKHADEV CHAUHAN
VILLAGE- SHEKHDA BIGHA, P.S.- SARMERA, DISTT.- NALANDA

... .. Petitioner/s

Versus

1. The State of Bihar
2. NILAM DEVI D/O- RAMPRIT CHAUHAN R/O- VILLAGE- SHEKHDA,
P.S.- SARMERA, DISTT.- NALANDA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh

For the Opposite Party/s : Mr.Suman Kumari Singh

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 29-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
POCSO Case No. 01 of 2024 arising out of Sarmera P.S. Case
No. 02 of 2024 registered for the offence punishable under
Sections-376(3), 313, 504, 506/34 of the Indian Penal Code and
Section-4/6 of the POCSO Act.

3. The informant who is a minor girl states in her
fardbeyan that at the pretext of marriage, the petitioner
committed rape upon her. He also aborted her pregnancy and
when the informant went to the house of the petitioner to query
about the incident, the family members of the petitioner abused



and threatened to kill the informant.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and he has falsely been implicated in this case. Further submission is that there was love affairs between the petitioner and the prosecutrix.

5. Learned APP has opposed the prayer for bail.

6. The victim who is a child within the meaning of Section 2(d) of the POCSO Act has stated that at the pretext of marriage, the petitioner committed rape upon her. She reiterated her version in her statement recorded u/S 161 of the Cr.P.C. as well as Section 164 of the Cr. P.C.

7. In my view, the petitioner does not deserve the privilege of bail and accordingly, his prayer for bail is rejected.

(Nawneet Kumar Pandey, J)

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