

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58619 of 2024

Arising Out of PS. Case No.-91 Year-2024 Thana- BAHERI District- Darbhanga

Upendra Lal Dev Son Of Late Jagdish Lal Dev Resident Of Village -
Shivram, P.S. - Baheri, District - Darbhanga

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Jeeb Nath Lal Dev Son Of Ram Udgar Lal Dev R/V- Village- Shivram, P.S.-
Baheri, Distt.- Darbhanga

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Iqbal Asif Niazi
For the Opposite Party/s : Mr. Rajiv Nayan

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 28-08-2024 Heard the learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks regular bail in connection with
Baheri P.S. Case No. 91 of 2024 registered for the offence under
Section 376 of the Indian Penal Code and Section 4/6 of the
POCSO Act.

3. As per the prosecution case, petitioner is alleged to
have committed rape upon the victim.

4. Learned counsel for the petitioner submits that the
victim in her statement has said that the petitioner had tried to
commit rape, and he had not committed rape upon her. He
further submits that because of enmity, the petitioner has been



made accused in this case and is in jail since 28.03.2024.

5. Learned A.P.P. has vehemently opposed the prayer for bail.

6. From the impugned order, it appears that in the statement, the victim girl has said that while committing rape, some photographs were also taken by her villager. The victim has been found aged below 16 years.

7. Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. This application for regular bail is, accordingly, rejected.

8. The petitioner is at liberty to renew his prayer for bail after examination of the victim in the court below.

(Sandeep Kumar, J)

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