

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56013 of 2023

Arising Out of PS. Case No.-181 Year-2023 Thana- VAISHALI District- Vaishali

Raj Kumar Rai S/O Rajdeo Rai R/O Village- Chintamanipur, Ps And Dist-
Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Alok Kumar Alok, Advocate
For the State	:	Mr. Rajendra Prasad Nat, APP
For the Informant	:	Mr. Vasant Vikash, Advocate

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

ORAL ORDER

5 11-03-2024 Heard learned counsel for the petitioner and learned APP
for the State as also learned counsel for the informant and
perused the case diary.

2. The petitioner seeks bail in connection with
Vaishali P.S. Case No. 181 of 2023 instituted for the offence
under Sections 366A, 376D & 506 of the Indian Penal Code and
Section 6 of the POCSO Act.

3. Prosecution case in a nutshell is that there is
allegation against the petitioner along with other co-accused of
committing rape upon the daughter of the informant.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 06-05-2023. Petitioner is a
man of clean antecedent.



5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case due to dirty village politics. There is delay in lodging of the FIR. Admittedly, there is subsisting land dispute between the parties. It is submitted that due to previous enmity victim has supported the case as per the instruction of her father. It is lastly submitted that there was marriage ceremony in the village and the victim herself went up before the co-accused, but both of them were identified by many villagers and as such the victim played a victim card.

6. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner. It is submitted that from perusal of the statement of the victim recorded under Section 164 and 161 of the Cr.P.C., it would reveal that victim has supported the case of the prosecution. The victim has been assessed to be 14-16 years of age. Medical report also corroborate the allegation levelled against the petitioner.

7. Considering the aforesaid facts and circumstances of the case, serious allegation against the petitioner corroborated by the medical evidence and taking into account the statement of the victim recorded under Sections 164 & 161 of the Cr.P.C.,



this Court, for the present, is not inclined to extend the privilege of bail to the petitioner.

8. Accordingly, prayer for bail is *rejected*.
9. The learned Trial Court is directed to proceed with the trial expeditiously and without any undue delay or adjournments.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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