

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70104 of 2024

Arising Out of PS. Case No.-99 Year-2023 Thana- MAHILA P.S. District- Patna

Mohan Singh @ Mohan Kumar Singh S/o Late Ram Badhur Singh R/o Village Navtol Patori, P.S Bihra, District saharsa at present Shiv Jyoti Apartment, Flat no. 308, R.K. Puram, P.S. - Danapur, Distt. - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mrs. 'X'

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Kumari Jyoti, Adv.
For the Opposite Party/s	:	Mr.Ram Bilash Roy Raman, APP
For the O.P. No.2	:	Mr. Praveen Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 05-12-2024 Heard learned counsel for the petitioner and learned APP for the State as also learned counsel for the O.P. No.2.

2. The petitioner seeks bail in connection with Mahila P.S. Case No. 99 of 2023 instituted for the offences under Section 376 of the Indian Penal Code and Section 4/6 of the POCSO Act.

3. As per prosecution case, the accusation against the petitioner is of committing aggravated penetrative sexual assault upon the minor daughter of the Informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case.



He submits that the date of alleged occurrence is 29.09.2023 but, the present case was lodged on 01.10.2023 i.e. after delay of about four days without there being any plausible explanation for such delay, which creates doubt in the prosecution case. The petitioner has no concern with the alleged occurrence. The medical report also does not support the prosecution case. The petitioner has no criminal antecedent and is languishing in judicial custody since 02.10.2023 without any rhyme or reason. The police after completion of investigation has submitted charge-sheet against the petitioner. The charge has also been framed in this case against the petitioner.

5. On the other hand, learned A.P.P. for the State and the Informant have vehemently opposed the prayer for grant of bail to the petitioner, stating that there is a specific allegation against the petitioner of sexual assault upon the minor victim girl, which is serious in nature. He further submits that the victim girl in her statement recorded under Section 164 Cr.P.C. has fully supported the allegation made in the F.I.R. The I.O. after completion of investigation has submitted charge-sheet against the petitioner for offence under Sections 376 of the I.P.C. and Section 4, 6 of the POCSO Act. Charges have also been framed under the same sections. Learned counsel for the



Informant submits that the trial is going on and two witnesses have already been examined in this case. The offence alleged against the petitioner is serious in nature and, hence, he does not deserve bail.

6. Having heard rival contention of both the parties and considering the fact that the trial is going on and two witnesses have already been examined as also taking into account the nature and gravity of the offence alleged, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

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