

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64875 of 2024

Arising Out of PS. Case No.-27 Year-2024 Thana- CHUTIA SAHAYAK District- Rohtas

Arbind Paswan Son of Bachchu Paswan @ Pravash Paswan Village -Tiyara
Khurd, PS- Chutiya, District- Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ritu Kumari Daughter of Pramod Paswan Village -Tiyara Khurd, PS-
Chutiya, District- Rohtas

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mithilesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Sadanand Paswan, APP

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

ORAL ORDER

3 19-11-2024 Heard learned counsel for the petitioner, learned
APP for the State and perused the case diary.

2. The petitioner seeks bail in Chutiya P.S. Case No.
27 of 2024, instituted for the offences punishable under Sections
376 (DA), 506 of the Indian Penal Code, Sections 4, 6 of the
POCSO Act, Sections 3(1)(r), 3(1)(s) and 3(1)(w)(i) of SC/ST
(PoA) Act.

3. The prosecution case, in short, is that, in the night,
informant went to defecate and at that time the petitioner along
with other co-accused persons committed rape upon her. In the
meantime, brother of the informant reached at the place of
occurrence and the accused persons threatened him to go away
from there otherwise he will be killed.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the petitioner also submits that there is delay of six days in lodging the FIR. During course of investigation it has also transpired that the informant had love affair with co-accused Upendra Yadav and only he has committed rape upon the informant. It is further submitted that no specific allegation has been attributed against the petitioner. The petitioner is in custody since 02.04.2024 and has got no criminal antecedent.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is also submitted that there is direct and serious allegation against the petitioner and is also named in the FIR. On perusal of the record it transpires that the victim is minor aged about 13 years. It is further submitted that from perusal of case diary, it is evident that witnesses have supported the case of prosecution. Hence, the petitioner does not deserve the privilege of bail.

6. Considering the aforesaid facts and circumstances of the case, nature of accusation and the gravity of the offence, this Court is not inclined to grant bail to the petitioner.



7. The prayer is rejected. The trial Court is directed to expedite the Trial expeditiously.

(Rudra Prakash Mishra, J)

Rajorshi/-

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