

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66412 of 2024

Arising Out of PS. Case No.-42 Year-2023 Thana- MAHILA P.S. District- Vaishali

Himanshu Kumar @ Chhotu, Son of Tapeswar Sahni, R/O Village-
Dharhara, Paura Madan Singh, P.S.- Sarai in the district of Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kalawati Devi, Wife of Lal Bihari Sahni, R/O Village- Dharhara, P.S.- Sarai,
District- Vaishali.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ranjeet Kumar, Advocate
For the State	:	Mr.Amitesh Kumar, APP
For the O.P.No.2	:	Mr. Hemant Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 04-10-2024 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. In the present case, the petitioner seeks bail in connection with Hajipur Mahila P.S. Case No. 42 of 2023, registered for the alleged offences under Section 376 of the Indian Penal Code and Section 4 of POCSO Act.

3. As per the prosecution case, the informant allowed the petitioner to stay in her house in night as the informant and her husband stayed outside in Hyderabad and the petitioner committed rape with the minor daughter of the informant.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. During investigation, except for the statement of the victim girl, nothing has come on record to show the involvement of the petitioner. There is delay of 21 days in lodging the FIR and there is no satisfactory explanation. The mother of the petitioner has lodged Complaint Case No.3614 of 2023 against the informant and her family members on 19.12.2023 as they looted the household articles from the house of the petitioner. A *Panchayati* was also held on 24.12.2023 between the parties in which the victim girl snatched the papers of the *panchayati* and threatened the *Panches* with false implication. The petitioner is in custody since 01.06.2024 and is having clean antecedent.

5. Learned APP as well as learned counsel appearing on behalf of the informant vehemently oppose the submission made on behalf of the petitioner. The learned counsel for the informant submits that the victim girl has recorded her statement under Section 164 Cr.P.C. and she has stated about the petitioner committing sexual assault and rape with her. The learned counsel further submits that the age of the victim girl was assessed to be 16 years and the document of her date of birth shows her date of birth is 07.04.2007.

6. Having regard to the serious nature of allegation



against the petitioner, I am not inclined to enlarge the petitioner on bail.

7. Accordingly, his prayer for bail is rejected.

8. However, learned trial court is directed to expedite the trial and conclude the same at the earliest.

(Arun Kumar Jha, J)

V.K.Pandey/-

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