

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65370 of 2023

Arising Out of PS. Case No.-372 Year-2020 Thana- MADHUBAN District- East Champaran

NIRANJAN KUMAR SON OF SHANKAR RAM VILLAGE-
MADHUBAN WARD NO. 8, PS- MADHUBAN, DIST- EAST
CHAMPARAN, MOTIHARI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar

For the Opposite Party/s : Mr.Md. Shakir Ahmad

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 07-02-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner has prayed for bail in connection with
Madhuban P.S. Case No. 372 of 2020 instituted for the offence
under Sections 341, 323, 376, 504, 506/34 of the Indian Penal
Code and Section 4/8 of POCSO Act.

3. It is case of commission of rape by the petitioner with
the complainant's minor daughter, aged about 15 years.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He has been
falsely implicated in this case due to village politics. The alleged
date of occurrence is 28.09.2020, but complaint petition was filed
on 21.10.2020 which creates doubt on the prosecution case. Good
sense has been prevailed between the parties and compromise



petition is annexed as Annexure-P/2 to this petition. The petitioner has got no criminal antecedent as stated in para-3 of the bail petition. Moreover, he is languishing in judicial custody since 18.07.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail and submitted that the petitioner is named in the FIR upon whom there is direct allegation of rape with complainant's minor daughter. The victim girl has also supported the prosecution case in her statement recorded u/s 164 of the Cr.P.C. in which she has specifically stated that this petitioner committed rape with her. The victim girl is minor as per her deposition. It is further submitted that witnesses of this case have also supported the prosecution case.

6. Having heard learned counsel for the parties and taking into consideration that there is direct allegation of committing rape against the petitioner upon the minor daughter of the complainant, I am not inclined to grant bail to the petitioner and, as such, his application for bail is rejected.

7. The trial Court is directed to expedite the trial and conclude the same as soon as possible.

(Sunil Kumar Panwar, J)

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