

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71643 of 2023

Arising Out of PS. Case No.-218 Year-2023 Thana- KARAHGAR District- Rohtas

MANOJ PASWAN, S/O LATE DEV MUNI PASWAN, R/O VILLAGE-BISHOPUR, PS. KARGAHAR (BARAHARI O.P.), DISTRICT. ROHTAS
AT SASARAM

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Babu Nandan Prasad, Advocate

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 05-03-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Kargahar (Barahari O.P.) P.S. Case no.218 of 2023 registered under section 376D of the Indian Penal Code and sections 4 and 6 of the POCSO Act.

3. As per the prosecution case, the informant states that she received a telephone call from her 16 year old minor daughter to the effect that the petitioner and one another had committed rape on her.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. No such occurrence has taken place. The medical report (Annexure-P/2) does not support the allegations of rape. The petitioner is in custody since 15.6.2023 and charge-sheet has been submitted in



the case. The petitioner has no criminal antecedent.

5. The prayer for bail is opposed by learned A.P.P for the State.

6. Having heard learned counsel for the parties and having perused the material on record, it transpires that there is direct allegation by the daughter of the informant against the petitioner of having committed rape on her. Further, Annexure-P/2 is not the medical report with respect to the occurrence but is the report of four member Medical Board to estimate the age of the victim, which has been assessed to be 14-15 years.

7. In view of the facts and circumstances of the case and the direct allegation of rape against the petitioner, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

8. Learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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