

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70246 of 2023

Arising Out of PS. Case No.-149 Year-2023 Thana- MAHKAR District- Gaya

Vijay Ram Son Of Rajendra Ram R/O Village -Hemara Tola, Darbesh Bigha,
P.O.- Hemara, P.S.- Mahkar, District- Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashi Chandra Pandey

For the Opposite Party/s : Mr.Pramod Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 16-01-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

The instant application for regular bail has been filed by the petitioner in a case instituted for the offence punishable under Sections 376 and 376(AB) of the Indian Penal Code and Section 4/6 of the POCSO Act.

As per allegation in the F.I.R., while the informant's minor daughter, aged about 4 years was playing outside the house with the children, petitioner took her to his house and committed rape with her.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this case. It is further submitted in para 13 of the petition that the informant has filed this case against the petitioner due to previous enmity because she had



taken Rs. 80,000/- from the petitioner to construct house and when the petitioner demanded his money, she has filed the present false case. Petitioner has got no criminal antecedent and languishing in judicial custody since 30.06.2023.

Learned APP appearing for the State has opposed the prayer of bail and submitted that it is a case of commission of rape with the victim who is minor, aged about 4 years which is heinous in nature and statement of the victim girl was got recorded under Section 164 Cr.P.C., wherein she has corroborated the allegation of rape. As per medical report, redness and swelling were present in her private part. During course of investigation, witnesses have also supported the prosecution case.

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 informant, I am not inclined to grant bail to the petitioner and, as such, his application for bail is rejected.

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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