

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71858 of 2023

Arising Out of PS. Case No.-315 Year-2023 Thana- RAJAOLI District- Nawada

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SATYENDRA PANDEY SON OF LATE KAILASH PANDEY R/O
VILLAGE- DHAMAUL, P.S.- RAJAULI, DISTRICT- NAWADA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nagendra Kumar Singh

For the Opposite Party/s : Mr.Jharkhandi Upadhyay

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 31-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

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

3. It is a case of committing rape by the petitioner
with the informant's minor daughter, aged about 9 years.

4. 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 on account of dispute between the parties relating to flow
of drain. The petitioner is next door neighbour and 65 years old.
The medical report does not support the prosecution case. The



petitioner has got no criminal antecedent and languishing in judicial custody since 25.06.2023.

5. Learned APP appearing for the State has opposed the prayer of bail and submitted that petitioner is named in the FIR and there is specific allegation of rape with the minor daughter of informant against him. The statement of the victim girl was got recorded under Section 164 Cr.P.C., wherein she has supported the prosecution case and she has specifically stated that the petitioner committed wrong with her. It is further submitted that during course of investigation, witnesses 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 informant which is a case of heinous nature, 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 and conclude the trial.

(Sunil Kumar Panwar, J)

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