

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73191 of 2023

Arising Out of PS. Case No.-450 Year-2023 Thana- GHOSI District- Jehanabad

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Ashoksao @ Ashok Saw Son Of Late Chhedilal Sao Resident Of Mohalla -
Lakhanor, P.S. - Ghoshi, District - Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Pankaj Kumar, Adv.
For the State	:	Mr.Ajay Kumar Jha, APP
For the Informant	:	Mr. Abhishek Anand, Adv.
		Mr. Tahsin Nayyar Siddiqui, Adv.

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 13-03-2024 Heard learned counsel for the petitioner and learned

APP for the State as also counsel for the Informant. Perused the

case diary.

2. The petitioner seeks bail in connection with Special
POCSO Case No. 66 of 2023 arising out of Ghosi P.S. Case No.
450 of 2023 instituted for the offences under Sections 342, 506,
376 of the Indian Penal Code and Section 4/8 of the POCSO
Act.

3. As per prosecution case, 3-4 months ago, the
daughter of the Informant went to visit her corn field then the
accused petitioner raped her and threatened her to not to tell any
one otherwise he will kill her. After 3-4 months, the mother of



the victim on suspicion asked from the victim then she narrated the whole thing to her. Now the victim is pregnant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. There is an admitted land dispute between the parties. He further submits that there is inordinate delay in lodging the case as the alleged occurrence has taken place 3 to 4 months back. He further submits that the alleged occurrence has taken place in consenting situation. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 08.07.2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner stating that the accusation levelled against the petitioner is serious in nature and the victim girl is minor as also she is pregnant. Several witnesses have also supported the prosecution case. The medical report also shows that the rape was committed.

6. On perusal of the entire records, it appears that the allegation made against the petitioner is serious in nature. The medical report also supports the prosecution case. In the



statement of the girl under Section 164 Cr.P.C., she has also disclosed everything related with the incident.

7. In that view of the matter, this Court is not inclined to grant bail to the petitioner as the allegation made against him is serious in nature.

8. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

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