

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78712 of 2023

Arising Out of PS. Case No.-309 Year-2023 Thana- BUXAR MUFFSIL District- Buxar

Chandan Rajbhar @ Budhu @ Chandan S/O Chunmun Rajbhar @ Chunmun
R/O Village- Silaich, P.S- Mohammadabad, Distt.- Ghazipur (U.P.).

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Gupta

For the Opposite Party/s : Mr.Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 29-02-2024 Heard learned counsel for the petitioner, informant and
learned APP for the State.

2. The petitioner has prayed for bail in a case instituted
for the offence under Section 376 of the Indian Penal Code and
Sections 4 and 8 of the POCSO Act.

3. The allegation against the petitioner is of committing
rape with the minor daughter of the informant.

4. It is submitted by learned counsel for the petitioner
that petitioner has been falsely implicated in this case. He has
committed no offence. He submitted that the medical report has
not supported the prosecution case. Petitioner has got no criminal
antecedent as stated in para-3 of the bail petition. Petitioner is
languishing in judicial custody since 28.06.2023.

5. Learned APP for the State and learned counsel for the



informant have opposed the application for bail and submitted that the petitioner is named in the FIR and there is also a specific allegation of commission of rape with the informant's daughter is against the petitioner. From the perusal of the victim's statement, it is apparent that victim is a minor girl, who is aged about 12 years and she further stated in her statement recorded u/s 164 of the Cr.P.C., that the petitioner after stuffing the cotton in her mouth committed rape upon her. During investigation several witnesses have also supported the prosecution case.

6. Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

7. The trial Court is directed to conclude the trial expeditiously.

(Sunil Kumar Panwar, J)

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