

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85317 of 2023

Arising Out of PS. Case No.-526 Year-2023 Thana- AMARPUR District- Banka

Raja Goswami Son of Brahmdeo Goswami R/O Vill - Molanachak, P.S. -
Amarpur, Distt.- Banka

... .. Petitioner/s

Versus

1. The State of Bihar
2. X age 13, Female, D/o Bablu Goshwami, R/o Vill. Molanchak, P.S.
Amarpur, Dist. Banka.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Dhananjay Kumar Pandey, Adv.
For the Opposite Party/s	:	Mr.Pawan Kumar Chaurasia, APP
For the O.P. No.2	:	Manoj Kumar Jha, Adv.

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

ORAL ORDER

4 08-05-2024 Heard learned counsel for the petitioner and learned

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

Perused the case diary.

2. The petitioner seeks bail in connection with
Amarpur P.S. Case No. 526 of 2023 instituted for the offences
under Sections 376 of the Indian Penal Code and Section 4 of
the POCSO Act.

3. The allegation against the petitioner is of forcibly
committing rape upon the victim girl who is a minor as also
threatening her of dire consequences if the occurrence is
revealed to anyone.

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 due to local politics. The petitioner and the Informant are co-villager and there is land dispute between the father of the petitioner and the Informant. The Doctor has not found any sign of rape upon the victim girl. 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 24.07.2023. Charge-sheet has been submitted in this case.

5. On the other hand, the learned A.P.P. for the State and the Informant have vehemently opposed the prayer for grant of bail to the petitioner, stating that the allegation has been made against the petitioner of raping and committing penetrative sexual assault upon the victim who is a minor girl. The petitioner is the sole accused in this case and, thus, he does not deserve bail.

6. Considering the entire facts and circumstances of the case and taking into account that the Informant has supported the prosecution case both in the restatement as well as in 164 Cr.P.C. statement and the charge-sheet having been submitted against the petitioner under Section 376 of the I.P.C.



and Section 4 of the POCSO Act, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner, above named, is hereby rejected with a direction to the court below to expedite the trial and conclude the same as early as possible.

(Rudra Prakash Mishra, J)

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