

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2371 of 2024

Arising Out of PS. Case No.-444 Year-2022 Thana- JOGAPATTI District- West Champaran

Ramjee Sah @ Ramji Sah Son of Late Ramnath Sah R/o vill - Nawalpur, P.S.
- Nawalpur, Distt. - West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sita Devi wife of Ramashish Sah Village- Pakadi Tola Nawalpur W.No-2,
Ps- Yogapatti Nawalpur Dist- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Bimlesh Kumar Pandey, Advocate
For the State	:	Mr. Ram Sevak Choudhary, APP
For the Informant	:	Mr. Akhileshwar Kumar Shrivastva, Advocate

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

ORAL ORDER

4 26-06-2024 Heard learned counsel for the petitioner and learned APP

for the State as also the learned counsel for the informant.

Perused the case diary.

2. The petitioner seeks bail in connection with

Jogapatti (Nawalpur) P.S. Case No. 444 of 2022 instituted for

the offence under Section 376 of the Indian Penal Code and

Sections 4 & 8 of the POCSO Act.

3. Prosecution case in short is that daughter of the

informant was raped by the petitioner.

4. It has been submitted on behalf of the petitioner

that the petitioner is in custody since 30-09-2023. Petitioner is a

man of clean antecedent.



5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. It is submitted that no such occurrence as alleged in the FIR ever took place. It is next submitted that medical report does not support the case of the prosecution. The victim is not minor rather she is major and thus, there is no application of any Sections of the POCSO Act. It is lastly submitted that charge sheet has been submitted in this case.

6. Learned A.P.P. for the State and learned counsel for the Informant have vehemently opposed the prayer for grant of bail to the petitioner. It is submitted that there is direct allegation against this petitioner to commit rape with the victim girl, which is serious in nature. The victim girl has supported the prosecution case in her statement recorded under Section 161 of the Cr.P.C. It is next submitted that victim has supported the prosecution case in her statement recorded under Section 164 of the Cr.P.C, which fact finds mention in paragraph No. 70 of the case diary.

7. Considering the aforesaid facts and circumstances of the case, nature and gravity of the offence and there being direct allegation against the petitioner, which is supported by the victim in her statements recorded under Sections 161 and 164 of



the Cr.P.C, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, the prayer for grant of bail to the petitioner is **rejected**.

9. The Trial Court is directed to expedite the trial as expeditiously as possible without any undue delay and unnecessary adjournments.

(Rudra Prakash Mishra, J)

Raj Kishore/-

U		T	
---	--	---	--

