

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1306 of 2024

Arising Out of PS. Case No.-81 Year-2023 Thana- NAUHATTA District- Rohtas

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Jitu Kumar son of Ramadhar Paswan @ Ram Adhar Ram Village Anandichak
Ps Nauhatta District Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sharda Kumari, D/O-Late Rampravesh Paswan, Resident of Village-Anandichak, P.S.-Nawhatta, District-Rohtas.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Adv.
For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 07-05-2024 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The petitioner apprehends his arrest in connection with
Nauhatta P.S. Case No. 81 of 2023 registered under Section 376
of the Indian Penal Code and Section 8/12 of POCSO Act.

3. The prosecution story, in brief, is that the petitioner
brought the victim to his house and forcibly made physical
relation with her. It is further alleged that petitioner also
assaulted the mother of the victim and threatened her and torn
the cloth of the victim.

4. Learned counsel appearing on behalf of the petitioner
submits that petitioner is innocent and has falsely been
implicated in the present case due to ulterior motive. Further



submission is that there is neither direct or indirect nor circumstantial evidence is available to connect the petitioner with the alleged occurrence. The petitioner has got no criminal antecedent.

5. Learned counsel appearing on behalf of the State vehemently opposed the prayer for bail by contending that petitioner is named in the First Information Report and there is direct allegation against him that he brought the victim in his house and forcibly committed rape with her. It is further contended that the victim in her statement recorded under Section 164 Cr. P.C. has supported the prosecution story. Hence, petitioner does not deserve to be enlarged on bail.

6. Having considered the facts and circumstances of the case as well as nature of the allegation and the statement of the victim recorded under Section 164 Cr.P.C., this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, prayer of the petitioner is rejected.

(Prabhat Kumar Singh, J)

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