

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3017 of 2024

Arising Out of PS. Case No.-329 Year-2022 Thana- BELA District- Sitamarhi

Om Prakash Bhandari @Prakash Kumar son of Bhogendra Bhandari village
Baya, P.O. Phulhutta, P.S. Bela, District Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ritesh Singh, Adv.

For the Opposite Party/s : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 31-01-2024 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the informant.

2. The petitioner seeks regular bail in connection with
Bela P.S. Case No. 329 of 2022, lodged on 12.12.2022 under
Sections 376 (DA) of the Indian Penal Code read with sections
4, 6 and 8 of the POCSO Act.

3. As per the prosecution case, the FIR has been
lodged against 3 named accused persons including the present
petitioner against whom there is an allegation of rape in the FIR.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
also submits that the age of the victim girl has been mentioned
as 14 years, but according to the Medical Board Report, her age
has been assessed in between 17 years to 19 years. Counsel
further submits that the antecedent of the petitioner is clean and
he is in custody since 06.07.2023.



5. Learned counsel for the petitioner submits that due to love affair between the petitioner and the victim girl, the FIR has been lodged by the family member of the victim girl to teach a lesson to the petitioner.

6. Learned APP for the State and learned counsel for the informant vehemently opposes the prayer for bail of the petitioner and submits that the specific allegation is against the present petitioner to commit rape to the daughter of the informant who is minor and her statement has also taken place before the Magistrate under section 164 Cr.P.C. In the rejection order, it has been acknowledged by the Court of Additional Sessions Judge-VI-cum-Special Judge (POCSO Act) that specific allegation against the petitioner is there to commit rape upon the victim girl.

7. In the present facts and circumstances, this Court is not inclined to grant regular bail to the petitioner.

8. Accordingly, the prayer for regular bail of the petitioner in connection with Bela P.S. Case No. 329 of 2022, pending before the learned A.D.J.-VI-cum-Special Judge (POCSO Act), Sitamarhi is hereby rejected.

(Dr. Anshuman, J.)

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