

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2726 of 2024

Arising Out of PS. Case No.-1401 Year-2022 Thana- BIHTA District- Patna

Chandeswar Das S/O Champa Das R/O Pandey Chak, P.S- Bihta, Distt.- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Paswan, Adv.

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 03-04-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Special Case No.37 of 2023 arising out of Bihta P.S. Case No. 1401 of 2022, lodged on 29.12.2022 under Section 376 of the Indian Penal Code read with section 4/6 of the POCSO Act.

3. As per the prosecution case, the FIR has been lodged against the sole petitioner. The allegation against the present petitioner is that he has committed rape with the informant's daughter who is mentally ill and upon committed rape several times, the victim become pregnant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel also submits that the criminal antecedent of the petitioner is



clean and he is in custody since 04.01.2023. Counsel further submits that the bail application of the present petitioner was earlier dismissed as withdrawn *vide* order dated 11.10.2023 passed in Cr. Misc. No.52352 of 2023.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the petitioner has committed rape with a mentally ill girl and it is a very heinous allegation.

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

7. Accordingly, the prayer for regular bail of the petitioner in connection with Special Case No.37 of 2023 arising out of Bihta P.S. Case No. 1401 of 2022, pending before the learned Additional District & Sessions Judge-VII-cum-Special Judge (POCSO), Patna is **hereby rejected**.

(Dr. Anshuman, J.)

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