

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1169 of 2024

Arising Out of PS. Case No.-771 Year-2023 Thana- NATHNAGAR District- Bhagalpur

Balram Kumar son of Jagrup Mandal, resident of Village-Athgama,
Mathurapur, P.S. Nathnagar, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Jha, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 21-03-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Nathnagar P.S. Case no. 771 of 2023 registered under sections 376, 341, 323, 504 and 506 of the Indian Penal Code and section 6 of the POCSO Act.

3. As per the prosecution case, the informant states that on his returning home his 11 year old daughter disclosed that the petitioner had committed rape on her.

4. It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case because of dispute between the parties who are neighbours. There is an unexplained delay of 4 days in lodging of the FIR. Further referring to the statement of the girl under sections 161 and 164 of the Cr.P.C. it is submitted that on the alleged date



and time of occurrence her maternal grand mother and brother were present in the house. The medical report does not support the prosecution case. The petitioner who has no criminal antecedent is in custody since 18.9.2023 and chargesheet has been submitted in the case.

5. Heard learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner in the F.I.R., medical examination report wherein the age of the victim was assessed to be 12-14 years and the victim having supported the allegation of rape against this petitioner in her statement under section 164 Cr.P.C., the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

(Partha Sarthy, J)

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