

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45847 of 2024

Arising Out of PS. Case No.-278 Year-2023 Thana- KADWA District- Katihar

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Mahesh Das @ Roshan Das S/o Ugen Das R/o Nijhra, P.S. - Kadwa, Distt. - Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kamni Kumari D/o Jalim Mahto R/o Nijhra, P.S. - Kadwa, Distt. - Katihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Dr. Mrityunjaya Kr. Gautam, APP
For the Informant	:	Mr. Bhola Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

6 23-01-2025 Heard learned counsel for the petitioner and learned APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Kadwa P.S. Case No. 278 of 2023 instituted for the offence under Section 376 of the Indian Penal Code and Sections 4 & 6 of the POCSO Act.

3. As per prosecution case, accusation against the petitioner is of committing rape upon the informant.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 18-12-2023. Petitioner bears no criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.



5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Victim herself is the informant and she is major. Charge is also framed in this case. Learned counsel goes on to submit that there was love affairs between the informant and the petitioner. No independent witnesses have supported the prosecution 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 victim has supported the prosecution case in her statement recorded under Section 164 of the Cr.P.C. Learned APP fervently submits that medical report also corroborates the occurrence of rape committed with the victim. Other witnesses have also supported the prosecution case, which fact finds mention at paragraph Nos. 12 & 13 of the case diary.

7. Considering the aforesaid facts and circumstances of the case, nature and gravity of the offence coupled with the statement of the victim, in which she has supported the prosecution case as also taking into account the medical report, this Court, at this stage is not inclined to grant bail to the petitioner. Prayer for grant of bail is, accordingly, *rejected*.

8. 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/-

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