

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51169 of 2024

Arising Out of PS. Case No.-4 Year-2024 Thana- MAHILA P.S. District- Saharsa

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UPENDRA DAS S/O LATE CHALITTAR DAS R/O MOHALLA-
GANGJALA, WARD NO. 15/17, P.S AND DISTT.- SAHARSA.

... .. Petitioner/s

Versus

- 1. THE STATE OF BIHAR
- 2. SAVITA DEVI W/O MOTI RAM R/O VILLAGE- GANGAJALA, WARD
NO. 15, P.S. AND DIST.- SAHARSA.

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Pramod Mishra, Advocate
For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 08-01-2025 Heard learned counsel for the petitioner and learned

APP for the State. None appears on behalf of the informant

despite notice being validly served. Perused the case diary.

2. The petitioner seeks bail in connection with Saharsa

Mahila P.S. Case No. 4 of 2024 instituted for the offences under

Sections 341, 342, 376(3), 506, 34 of the Indian Penal Code and

Sections 4, 6 of the POCSO Act.

3. Allegation against the petitioner is of commission of



rape upon the victim girl.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. No specific overt act is alleged against the petitioner. Learned counsel further submitted that the petitioner and the informant are neighbour in a rented house and there is previous enmity between both of them on account of cleaning the premises and flowing of drainage water. It has been submitted on behalf of the petitioner that the petitioner is in custody since 12.03.2024 and has one criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned APP further submitted that victim and her mother in their statements recorded under Section 164 of the Cr.P.C. have supported the contents of the FIR. Learned APP further submitted that charge-sheet has been submitted under Sections 376AB, 506, 34 of the IPC and Sections 8, 12 of the POCSO Act and the cognizance has been taken under Sections 376AB, 506, 34 of the IPC and Sections 4, 8, 12 of the POCSO Act.

6. Considering the aforesaid facts and circumstances of the case, Section 164 Cr.P.C. statements of victim and her mother, this Court is not inclined to grant bail to the petitioner.



- 7. Accordingly the prayer for grant of bail is rejected.
- 8. Learned Trial Court is directed to expedite the trial.

(Rudra Prakash Mishra, J)

Alok Verma/-

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