

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64111 of 2024

Arising Out of PS. Case No.-237 Year-2024 Thana- KAHALGAON District- Bhagalpur

Pramod Das Son of Etwari Das Resident of Village- Kalyanpur Bhuska, P.O.-
Sobhnathpur, P.S.- Kahalgaon, District- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Bihari Das Son of Ganauri Das R/O Vill.- Kalyanpur Bhuska, P.O.-
Sobhnathpur, P.S.- Kahalgaon, Dist.- Bhagalpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Shashikant Yadav
For the op No. 2	:	Mr. Ramesh Kumar
For the Opposite Party/s	:	Mr.Md. Fahimuddin

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

6 28-03-2025 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with POCSO Case No. 70 of 2024 arising out of Kahalgaon P.S. Case No. 237 of 2024 dated 03.04.2024 registered for the offences punishable u/ss 376, 376B of the Indian Penal Code and sections 4 and 6 of the POCSO Act.

3. As per the prosecution case, the petitioner is alleged to have committed rape on the informant's minor daughter.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in



this case due to land dispute. It is further submitted that the medical test of victim was also done by police during the investigation but no clinical evidence of sexual intercourse was found. The victim girl is a minor, she was kept in custody of her family members for 4-5 days and thereafter her statement under section 164 Cr.P.C. was recorded under threat and fear. She gave statement under section 164 Cr.P.C. before the learned Magistrate against the petitioner due to threat, pressure and influence of the sister-in-law and mother of the informant with only intention to take the purchased land of petitioner by taking him in trap. The charge sheet has been submitted by police in this case and from perusal of the case diary it appears that no statement of any independent witness or eye witness has been recorded by police who have seen the victim coming and going to petitioner's house on the alleged date and time. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 04.04.2024.

5. Learned counsel for the informant as well as learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that the victim in her statement recorded u/s 164 of the Cr.P.C. has supported the prosecution. The victim is a minor girl aged about 10 years.



6. Considering the aforesaid facts and circumstances of the case as well as the specific and heinous nature of allegation against the petitioner, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail petition of the petitioner stands rejected.

7. The application stands rejected.

(Chandra Prakash Singh, J)

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