

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69090 of 2024

Arising Out of PS. Case No.-147 Year-2024 Thana- PARIHAR District- Sitamarhi

Rajesh Kumar S/o Ramshreshtha Thakur Resident of Village-Bara, P.S.-
Parihar, District-Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sunita Devi W/O- Naresh Ram, resident of Village -Bara, PS- Parihar, Dist-
Sitamarhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Ranjan, Adv.
For the Opposite Party/s : Mr. Sadanand Paswan, APP

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

ORAL ORDER

6 02-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Parihar P.S. Case No. 147 of 2024 dated 09.05.2024 registered for the offences punishable under Sections 341, 323, 342, 354, 376 and 506 of the Indian Penal Code and Sections 3(2)(v), 3(2)(va), 3(1)(w) of the SC/ST Act 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 minor daughter of the informant on the pretext of marriage. It is further alleged that the petitioner



has committed rape on the victim about 70 times.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. As per injury report, the concerned doctor has not found any injury on the body including the private parts of the victim. There is no evidence of any recent sexual intercourse, so no offence u/s 376 of IPC is made out against the petitioner. The petitioner has no concern with the alleged offence. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 10.05.2024.

5. Learned A.P.P. for the State has opposed the bail petition of the petitioner and submitted that the victim in her statement recorded u/s 164 of Cr.P.C. has supported the prosecution case. The victim is a minor girl. He has relied upon the judgment in the case of *Karthi @ Karthick Vs. State Represented by Inspector of Police, Tamil Nadu*, reported in *(2013) 12 S.C.C. 710*, passed in *Cr. Appeal No. 601 of 2008*, *decided on July 1,2013* in which the Hon'ble Apex Court has held:- Sections 376 and 417 of the I.P.C.-Rape and Cheating-Obtaining consent for having sex by exercising deceit i.e., false promise of marriage-Cannot be legitimate defence to exculpate accused-Promise by accused to marry prosecutrix after



committing rape. Thereafter, accused repeatedly engaged in consensual sexual intercourse with prosecutrix, at different places, on false promise of marriage-Eventual refusal by accused to marry-Prosecutrix divulging incident to her family-Credible testimony of prosecutrix and other witnesses-Conviction for rape and cheating, confirmed.”

6. Considering the aforesaid facts and circumstances of the case as well as the specific and heinous nature of offence against the petitioner, this court is not inclined to grant bail to the petitioner and the same is rejected in connection with Parihar P.S. Case No. 147 of 2024, pending in the Court of learned Additional Sessions Judge-VI-cum-Special Judge (POCSO), Sitamarhi.

7. Learned trial court is directed to conclude the trial of the petitioner at the earliest.

(Chandra Prakash Singh, J)

shivam/-

U		T	
---	--	---	--

