

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68373 of 2024

Arising Out of PS. Case No.-202 Year-2024 Thana- PAROO District- Muzaffarpur

Birendra Patel @ Virendra Patel @ Virendr Patel, Son of Vishwanath Patel @ Vishvnath Patel @ Vishvnath Mahto R/o Village- Anandpur chharouni @ Anandpur Kharouni @ Anandpur Khrouni, PS- Paroo District- Muzaffarpur.
... .. Petitioner/s

Versus

1. The State of Bihar.
2. Moni Kumar D/o- Vindeshwr Pandit R/o Village- Kodariya Mango, P.S.- Paroo @ Paru, Dist- Muzaffarpur.
... .. Opposite Party/s

Appearance :
For the Petitioner/s : Mr. Santosh Kumar, Advocate
For the Opposite Party/s : Mr.Gulnar Begum, APP
For the Informant : Mr. Rajeev Ranjan No. II, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

12 11-08-2025 Heard learned counsel appearing on behalf of the petitioner, learned APP appearing on behalf of the State and learned counsel appearing on behalf of the informant.

2. The petitioner seeks bail in connection with Paroo P.S. Case No. 202/2024, registered for the offence under Sections 341, 342, 354, 376 of the Indian Penal Code and Sections 4, 6, 8 and 12 of POCSO Act.

3. The accused/petitioner is named in the F.I.R. and is in custody since 27.06.2024.

4. The allegation against petitioner is to commit penetrative sexual assault upon the informant, while she was working in field. As per FIR, the age of the informant at the time of



occurrence was about 17 years.

5. Learned Counsel appearing on behalf of the petitioner submitted that the statement of the informant/victim not appears consistent, for the reason that in FIR she said nothing about the presence of her mother, whereas while recording her statement under Section 164 of Cr.P.C., she disclosed that during the occurrence her mother was also present in same field, making entire allegation *prima facie* false. It is pointed out that the informant/victim admitted while recording her statement under Section 164 of Cr.P.C. that there was land dispute between the parties, for the said reason, the present false implication was raised. It is pointed out that the petitioner is in custody for more than one year and, as such, trial not concluded within prescribed time period of one year, in view of Section 35(2) of the POCSO Act, therefore, the petitioner deserves bail.

6. Learned APP duly assisted by learned counsel Mr. Rajeev Ranjan No. II, appearing on behalf of the informant while opposing the prayer of bail submitted that the medical report is against the petitioner and it is well corroborating with version of the occurrence as stated by the informant/victim. It is submitted that victim examined within specified time period in view of section 35(1) of the POCSO Act. It is submitted that the statement of the



victim is through out consistent being informant, while recording her statement under Section 164 of Cr.P.C. and also while testifying the occurrence before the Court. While concluding the argument, it is submitted that out of five prosecution witnesses, four witnesses already examined and now this matter is pending for examination of doctor, who may examine on next date of hearing and, therefore, considering the stage of trial, it would not appropriate to enlarge petitioner on bail.

7. In view of the aforesaid factual submissions and by taking note of statement of victim, which appears *prima facie* corroborating with FSL report, coupled with the fact as trial is at its fag end, accordingly, the prayer of bail of the petitioner stands rejected herewith for the present.

(Chandra Shekhar Jha, J)

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