

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79838 of 2024

Arising Out of PS. Case No.-109 Year-2024 Thana- RAGHOPUR District- Supaul

Shankar Goswami S/O Bechan Goswami R/O Village - Piprahi, Ward no. -12,
P.S - Raghapur, District - Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rita Devi W/O Suru Das R/O Village - Piprahi, Ward no. -12, P.S -
Raghapur, District - Supaul.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Adv.
For the Opposite Party/s : Mr. Sadanand Paswan, APP

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

ORAL ORDER

4 24-02-2025 Heard learned counsel for the petitioner and learned

APP for the State. No one appears on behalf of the Informant.

Perused the case diary.

2. The petitioner seeks bail in connection with POCSO
Case No. 46 of 2024 arising out of Raghapur P.S. Case No. 109
of 2024 instituted for the offences under Sections 376, 504, 506
of the Indian Penal Code and Sections 4, 6 of the POCSO Act
and Sections 3(2)(v), 3(1)(w)(i) of the SC/ST (POA) Act.

3. As per prosecution case, the accusation against the
petitioner is of committing forceful rape upon the minor victim
girl.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and he has been falsely implicated in the present case with false and frivolous allegations and due to dirty village politics. The petitioner has not committed any offence as alleged in the F.I.R. He further submits that the victim, on the same date of occurrence, was examined by the doctor but, the doctor has not found any sign of rape or physical assault upon the victim girl. Even the hymen was found intact. Thus, though the victim girl has made allegations against the petitioner in her statement recorded under Sections 161 and 164 Cr.P.C. but, the medical report does not support the prosecution case. The doctor has assessed the age of the victim girl in between 16 to 18 years. The petitioner has one criminal antecedent as has been stated in Para-2 of the supplementary affidavit and is languishing in judicial custody since 05.04.2024 without any rhyme or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature. The victim girl is minor. The victim girl in her statements recorded under Sections 161 and 164 Cr.P.C. has fully supported the allegations made in the F.I.R. and made specific allegation of rape against the petitioner. In course of investigation, the Medical Board has assessed the age of the



victim girl to be in between 16 to 18 years. The Informant in the re-statement recorded in Para-3 and several witnesses in Para 4, 68, 69, 89, 90 and 91 have supported the prosecution case. Charge-sheet has been submitted against the petitioner under Sections 341, 342, 323, 376(3), 504, 506 of the I.P.C., Section 4/6 of the POCSO Act and Sections 3(2)(v)/3(w)(i) of the SC/ST Act.

6. Having heard learned counsel for the parties and considering the nature and gravity of the offence as also taking into account the statement of the victim girl recorded under Section 164 Cr.P.C. wherein she has made specific allegation of rape against the petitioner, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

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