

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81791 of 2024

Arising Out of PS. Case No.-49 Year-2024 Thana- KARJAIN District- Supaul

Sanjit Mehta @ Sanjeet Kumar Mehata Son of Rama Mehta @ Ram Narayan
Mehata Resident of Village- Sadanand Pur Ward No. 4, P.S- Bhaptiyahi,
District- Supaul

... .. Petitioner/s

Versus

1. The State of Bihar
2. Most. Sumitra Devi Wife of Sanichar Sharma village- Haripur ward no. 13,
karjain, Dist- Supaul

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Kamal Kishore Singh, Adv.
For the Opposite Party/s	:	Ms.Usha Kumari 1, APP
For the O.P. No.2	:	None

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

ORAL ORDER

3 18-02-2025 Heard learned counsel for the petitioner
and learned APP for the State. In spite of service of
notice upon the O.P. No.2, no one has appeared on
her behalf. Perused the case diary.

2. The petitioner seeks bail in connection
with POCSO Case No. 42 of 2024 arising out of
Karjain P.S. Case No. 49 of 2024 instituted for the
offences under Sections 376(B), 506 of the Indian
Penal Code and Section 3(2), (va), 3(1)(w)(1) of the
SC/ST Act.

3. As per prosecution case, the accusation



against the petitioner is of committing rape upon the minor victim girl forcefully as also of making a video of the act. It is also alleged that the petitioner also exploited her physically in the name of making the video viral. Ultimately, the petitioner made the victim's obscene video viral.

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. The petitioner has not committed any offence as alleged in the F.I.R. There is no eye-witness to the alleged occurrence. The F.I.R. has been instituted after a long delay of about one month that too without there being any plausible explanation for such an inordinate delay which indicates that the F.I.R. has been registered after much deliberation and after thought. Charge-sheet has been submitted in this case and the cognizance has also been taken. He further submits that the victim is not the minor and as per her medical report, the doctor has opined her age in between 18-20 years. The doctor has also not



found any sign of sexual assault. The petitioner has no criminal antecedent and is languishing in judicial custody since 14.04.2024 without any rhymes 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. There is direct and specific allegation against the petitioner of forcibly committing rape upon the minor victim girl. The victim girl in her statements recorded under Sections 161 & 164 Cr.P.C. has fully supported the prosecution case. The victim girl is minor. The Informant in her re-statement contained in Para- 3 and several witnesses in Para- 5, 6 & 10 of the case diary have corroborated the allegations leveled in the F.I.R. The Investigating Officer after completion of investigation has submitted charge-sheet under Sections 376, 341, 342, 323, 504, 506 of the Indian Penal Code and Sections 3(1)(r)(s)(w)(i)/3(2)(v)(va) of the SC/ST Act and Section 67/67B of the I.T. Act against the petitioner and, hence, he



does not deserve bail.

6. Having heard learned counsel for the parties and considering the nature and gravity of the offence, there being direct and specific allegation against the petitioner as also taking into consideration the statements of the minor victim girl recorded under Sections 161 & 164 of the Cr.P.C., this Court is not inclined to grant bail to the petitioner at this stage.

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

(Rudra Prakash Mishra, J)

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