

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80867 of 2024

Arising Out of PS. Case No.-640 Year-2023 Thana- LAHERIMUHALLA District- Nalanda

Lallan Prasad Son of Ramdeo Pandit Resident of Mohalla - Sohan Kaun, P.S.
- Laheri, District - Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. Victim through her Legal Guardian Pramod Kumar Nirala Son of Lalo Yadav Resident of Village - Kadam Tar, P.S. - Silao, District - Nalanda

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Advocate

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY

ORAL ORDER

4 17-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks regular bail in connection with Laheri P.S. Case No. 640 of 2023 registered for the offence under Section 376 of the Indian Penal Code and Section 3/4 of POCSO Act.

3. The prosecution story is to effect that on 17.10.2023, the informant gave a fardbeyan to the S.I. namely, Rekha Rani alleging therein that she is tenant in the house of the petitioner and has been staying with her aunt for taking classes. She alleged that on 17.10.2023 while she was going to the bathroom the petitioner namely, Lallan Prasad forcibly entered behind her and thereafter they forcibly committed rape to the



victim and then fled away.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated as admittedly the informant is the tenant of the petitioner and there is a dispute between the parties. He has drawn the attention of this Court to the Eviction Suit No. 03 of 2024 which is pending before a Court of law wherein the petitioner has filed an eviction suit against the informant. Learned counsel has further submitted that petitioner is an old person aged around 72 years and he had been demanding rent from the informant and just to avoid such demand and also as a counter to the Eviction proceedings the present false case has been lodged against him. Lastly, it has been submitted that the petitioner is in jail since 24.04.2024.

5. Learned APP for the State has opposed the prayer for bail and has stated that there is a specific allegation that the petitioner had forced himself into the bathroom of the victim girl and had raped her.

6. Considering the aforesaid submissions of the parties and taking note of the fact that the petitioner is an old person aged 72 years and also the fact that there is admittedly an Eviction Suit pending between the parties and further as would



be evident from the FIR being Laheri P.S. Case No. 641 of 2023 which has been brought on record by way of supplementary affidavit on behalf of the petitioner, it is clear that on the same day the cousin of the informant namely, Shishupal Kumar had lodged a case with regard to the same incident. It has also been taken note that in the said case the cousin of the present informant has only alleged that there was hot talk between the landlord and the tenant.

7. Considering the aforesaid facts and circumstances of the case, let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge, Second cum Special Judge, POCSO, Nalanda at Biharsharif in connection with Laheri P.S. Case No. 640 of 2023.

(Sourendra Pandey, J)

Raj Ranjan/-

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

