

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55238 of 2015

Arising Out of PS.Case No. -382 Year- 2015 Thana -SIKARPUR District-
WESTCHAMPARAN(BETTIAH)

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Raghubar Choudhary Son of Late Chanar Choudhary, Resident of Village-
Dakahawa, P.S. Shikarpur, Dist- West Champaran, Bettiah.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Kamal Deo Sharma

For the Opposite Party/s : Mr. Binod Kumar -III(App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 17-12-2015 Heard Dr. Kamal Deo Sharma, learned counsel for the

petitioner, Sri Binod Kumar No. III, learned A.P.P. as well as Sri
Sanjay Kumar No. 7, learned counsel, who has voluntarily
appeared on behalf of the informant.

The petitioner who is in custody since 10.10.2015 in
connection with Shikarpur P.S. Case No. 382 of 2015 registered
for the offence under Section 4 and 6 of the Protection of
Children from Sexual Offences Act 2012, has prayed for grant of
bail.

It was submitted by learned counsel for the petitioner
that though in the F.I.R. it was alleged that the petitioner had
committed the offence but not committed any physical
intercourse with the victim girl. She was examined medically.

However medical report has not corroborated the allegation made in F.I.R. He further submits that there was land dispute in between the parties and petitioner was falsely implicated. It has also been argued that co-accused Baby Devi and Sita Devi have already been extended the privilege of bail.

On the aforesaid grounds a prayer has been made for grant of bail.

Learned A.P.P. as well as learned counsel for the informant have vehemently opposed prayer for bail. He submits that after F.I.R. statement of the victim girl who is aged about 13 years was recorded under Section 164 of the Cr.P.C. and in her statement she has categorically stated regarding commission of offence by the petitioner.

In view of the statement of the victim girl recorded under Section 164 of the Cr.P.C. making specific accusation against the petitioner, the court is not inclined to extend the privilege of bail.

The petition stands dismissed.

(Rakesh Kumar, J)

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