

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31906 of 2016

Arising Out of PS.Case No. -20 Year- 2016 Thana -MAHILA P.S District- SUPAUL

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1. Chandan @ Chandan Makhiya @ Chunna Mukhiya @ Channa Mukhiya
Son of Tetar Mukhiya Resident of Village- Belaganj P.S. Bhinpur District
Supaul

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mr. Sri Ahmad Ali

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 22-09-2016 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Supaul
Mahila P.S Case No. 20 of 2016 (POCSO Case No. 11 of 2016)
registered for the offences punishable under Sections 341,
376(D), 506 of the Indian Penal Code and Section 4/6 POCSO
Act.

Allegedly, the petitioner and co-accused Naresh
Mukhiya forcibly committed rape with the informant one by one
and during investigation Under Section 164 of the Cr.P.C. also
supported the allegation of rape.

Submission is of false implication and that medical
report does not support the prosecution version, no mark of any

violence was found on the person of the victim, no spermatozoa has been found in the vaginal swab .F.I.R. has been lodged after three days, the petitioner is suffering in custody since 08.03.2016 and, as such, the petitioner deserves sympathetic consideration.

Learned A.P.P opposes the prayer of bail.

In the facts and circumstances stated above, considering the allegation attributed against the petitioner is serious in nature, I am not inclined to enlarge the petitioner on bail and accordingly, his such prayer stands rejected, in connection with Supaul Mahila P.S Case No. 20 of 2016 (POCSO Case No. 11 of 2016) pending in the Court of learned Additional Sessions Judge -1st, Supaul.

(Jitendra Mohan Sharma, J.)

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