

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52274 of 2016

Arising Out of PS.Case No. -180 Year- 2016 Thana -BEUR District- PATNA

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Anil Rai son of late Kameshwar Rai,

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Advocate

For the Opposite Party/s : Smt. Anita Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 07-12-2016 Heard learned counsel for the petitioner and
learned APP for the State.

Petitioner is languishing in custody in connection with Special (POCSO) Case No. 98 of 2016, arising out of Beur P.S. Case No. 180 of 2016, for the offences punishable under Section 376 of the Indian Penal Code and Section 6 of the POCSO Act, pending before the learned 1st Additional Sessions Judge-cum-Special Judge (POCSO), Patna.

According to F.I.R. the informant was allegedly ravished by this petitioner. When she was alone in her house the petitioner lifted her and took her in the Khatal, where rape was committed with her.

Submission of the petitioner is that the doctor has not found any injury on the private part of the victim.



Moreover, in her statement under Section 164 Cr.P.C. victim has stated that her aunt was also in the house; whereas in the F.I.R. she has stated that she was alone in her house.

The commission of the offence has been supported by the victim in her statement under Section 164 Cr.P.C. At this stage her statement cannot be disbelieved, hence, I am not inclined to enlarge the petitioner on bail. Accordingly, the bail prayer of the petitioner is refused.

Mkr./-

(Birendra Kumar, J)

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