

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56089 of 2015

Arising Out of PS.Case No. -23 Year- 2014 Thana -ARWAL MAHILA District- JEHANABAD

Rakesh Kumar @ Reshu Kumar @ Rishu Kumar Son of sri Sunil Kumar
Gupta R/o Village- Purani Arwal, P.s Arwal, District Arwal.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Arpana Kumari

For the Opposite Party/s : Mr. Kanhaiya Kishore(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

3 29-01-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Arwal
Mahila P.S. Case No. 23 of 2014 registered for the offences
punishable under Sections 376 (2) (i) (j) of the Indian Penal Code
and Section 4 of POCSO Act.

Allegedly, the petitioner tried to commit rape with
Deepa Kumari aged 3 years, daughter of the informant, on his roof
on 4.12.2014 and thereafter the case has been lodged on
13.12.2014. It is alleged that due to social pressure the informant
did not lodge the case earlier but on 13.12.2014 the father of the
petitioner gave petition before I.G. Patna, Bihar.

Submission is of false implication due to land dispute

and dirty village politics, no occurrence as alleged has taken place and medical report does not support the prosecution story, no external or internal injury has been found on the person of the victim, the petitioner is aged 19 years and as such it is not possible to make sexual relation with 3 years old child. The petitioner was under treatment of Dr. L.P. Gupta, Patna, on 12.10.2014 to 15.12.2014 as he was suffering from Hepatitis with mild jaundice, the petitioner surrendered voluntarily on 9.9.2015 and since then he is in custody.

Learned A.P.P. submits that the petitioner has made an attempt to commit rape with a minor child aged about 3 years.

In the facts and circumstances stated above, considering the allegation attributed against the petitioner serious in nature, at this stage, this Court is not inclined to enlarge him on bail, accordingly, his such prayer stands rejected.

(Jitendra Mohan Sharma, J)

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