

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18680 of 2017

Arising Out of PS.Case No. -4 Year- 2017 Thana -PURUSHOTTAMPUR District-
WESTCHAMPARAN(BETTIAH)

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1. Dipendra Kumar, son of Awdesb Ram, R/o Village Marzadwa, P.S.-
Purhottam Pur, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akhileshwar Kumar Shrivastva

For the Opposite Party/s : Mr. Smt. Meena Singh

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

2 11-05-2017 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with
Purshottampur P.S. Case No. 4/17 (S.G.R. No. 07 of 2017)
registered for the offence punishable under Section 376 of the
Indian Penal Code and Section 4 of the POCSO Act.

Allegedly, the niece, aged 14 years, of the informant
was raped by the petitioner and the victim in her statement
recorded under Section 164 Cr.P.C. has supported the allegation of
rape.

Submission is of false implication and that the
petitioner and the victim were having love affairs and she herself



left her house for two hours. The statement of the victim girl recorded under Section 161 Cr.P.C. is contradictory with the statement recorded under Section 164 Cr.P.C., without any fault the petitioner is suffering in custody since 30.01.2017. Medical evidence does not support the prosecution version.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer of bail.

In the facts and circumstances stated above, considering that the victim girl in her statement recorded under Section 164 Cr.P.C. has supported the allegation of rape and, as such, I am not inclined to enlarge the petitioner on bail and accordingly, his such prayer stands rejected in connection with Purshottampur P.S. Case No. 4 of 2017 S.G.R. No. 07 of 2017 pending in the Court of learned Addl. Distt & Sessions Judge-1st-cum-Special Judge, Bettiah, West Champaran.

(Jitendra Mohan Sharma, J)

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