

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10634 of 2017

Arising Out of PS.Case No. -82 Year- 2015 Thana -MAHILA PS District-
EASTCHAMPARAN(MOTIHARI)

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1. Kaushal Singh Son of Late Sahdeo Singh Resident of Village-Bhusolwa
P.s.-Kesariya District-East Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava

For the Opposite Party/s : Mr. Sri Suresh Prasad Singh

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

ORAL ORDER

3 07-04-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. representing the
State.

The petitioner seeks bail in connection with POCSO
Trial No. 33 of 2016 arising out of Mahila P.S. Case No. 82 of
2015 registered for the offences punishable under Sections 341,
323, 376 of the Indian Penal Code and Section 3, 4 and 6 of the
POCSO Act.

Allegedly the petitioner committed rape with the
informant aged 13 years.

Submission is of false implication and that medical
evidence does not support the allegation of rape. During



investigation several witnesses have stated that due to dispute of grazing of crops of the accused persons by she-goat of the informant, this false case has been instituted vide para 19, 22 and 23 of the case diary and, as such, the petitioner deserves sympathetic consideration as he is in custody since 20.09.2016.

The learned APP duly assisted by the learned counsel for the informant opposes the prayer of bail by submitting that other witnesses are defence witnesses and further victim girl in her statement recorded under Section 164 Cr.P.C. has also supported the allegation of rape

In the facts and circumstances stated above, considering the allegation attributed against the petitioner, serious in nature, at present I am not inclined to enlarge the petitioner on bail and accordingly, his such prayer stands rejected in connection with POCSO Trial No. 33 of 2016 arising out of Mahila P.S. Case No. 82 of 2015 pending in the Court of learned 1st Additional Sessions Judge-Cum-Special Judge POCSO, Motihari, East Champaran.

(Jitendra Mohan Sharma, J)

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