

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20501 of 2017

Arising Out of PS.Case No. -132 Year- 2013 Thana -AURAI District- MUZAFFARPUR

=====

Dharmendra Kumar @ Dharmendra Sahni Son of Mohan Sahni Resident of
Village- Bistha, P.S.- Aurai, District- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Devendra Kumar, Advocate
Mr. Pramod Kumar Verma, Advocate
Mr. Ranjit Kumar Thakur, Advocate

For the Opposite Party/s : Mr. Pancha Nand Pandit, APP

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 20-06-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
01.12.2016 in connection with Trial No. 11 of 2017 arising out
of Aurai P.S. Case No. 132 of 2013 pending in the Court of
learned 1st Additional Sessions Judge-cum- Special Judge,
POCSO Act, Muzaffarpur registered for the offence
punishable under Sections 364 and 366A/34 of the Indian
Penal Code.

The prosecution case, as lodged by the mother of
the victim, is that her daughter, Khushbu Kumari was called by
Ruby Kumari and thereafter when the informant went to the



house of Ruby Kumari, she found the petitioner along with accused Lalita Devi and five others and it is alleged that her 13 years old daughter has been kidnapped by all the accused persons for committing rape or murder.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case due to previous enmity for which earlier also the informant had lodged Aurai P.S. Case No. 12 of 2013 against the petitioner and others. It has also been submitted that the victim girl is not a minor, as she is married to one Bikash Sahani, which is evident from Aadhar Card and her age has been assessed as 15-17 years by the Medical Board. He further submits that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence and that another co-accused has been granted the privilege of bail by this Court.

However, learned A.P.P. for the State opposes the prayer for bail submitting that the victim girl in her statement under Section 164 Cr.P.C. has alleged that petitioner has committed rape upon her.

Considering the facts and circumstances and the materials on record, I am not inclined to grant the privilege of



bail to the petitioner at this stage. This application is, accordingly, rejected.

(Nilu Agrawal, J.)

Arjun/-

U		T	
---	--	---	--

