

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41370 of 2018

Arising Out of PS.Case No. -37 Year- 2015 Thana -KISHANGANJ District- KISANGANJ

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1. Vijay Sah @ Vijay Kumar Sah@ Vijay Kumar Sahu S/o Paras Nath Sah,
R/o Vikash Nagar, Sri Rampur, Bihta P.S.- Bihta, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Krishna Tiwary, Advocate

For the Opposite Party/s : Mr, Surendra Prasad Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 25-09-2018

Heard the parties.

The petitioner seeks regular bail in connection with Kishanganj P.S. Case No. 37 of 2015 (Special Case No. 19 of 2018) registered for the offence under Sections 376 of the Indian Penal Code and under Section 4/8 of POCSO Act.

As per FIR, allegation against the petitioner is of committing rape upon the victim girl, who is minor.

Submission of the learned counsel for the petitioner is that the statement of the victim girl recorded under Section 164 Cr.P.C. is contradictory to the F.I.R. and furthermore, the medical report does not support the prosecution case and she has been implicated the petitioner in this case at the instance of others and he is in custody since 28.03.2018. It is also submitted that the



charge-sheet has already been submitted against the petitioner in this case.

Heard learned A.P.P., who has opposed the prayer for bail and stated that prosecutorix is minor and she supported the allegation of rape in her statement recorded under Section 164 Cr. P.C.

Having considered the facts and circumstances of the case and materials available on record, I am not inclined to grant bail to the petitioner and accordingly this application is dismissed.

(Vinod Kumar Sinha, J)

Sudha/R.Ranjan-

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