

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39395 of 2019**

Arising Out of PS. Case No.-32 Year-2016 Thana- MAHILA PS District- Gaya

VIKASH KUMAR Son of Dharmendra @ Ghamda Resident of Village-
Nawada, P.S.-Sherghati, District-Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Shrivastava, Advocate
For the Opposite Party/s : Mr. Rajendra Prasad Nat, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER**

4 26-09-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 376(G) of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offenses Act, 2012.

The victim has supported the allegation that the petitioner and co-accused Pankaj Kumar allegedly ravished her by committing house trespass when the parents of the victim were in jail. Victim was a minor.

Learned counsel for the petitioner submits that the Doctor has assessed the age of the victim as 19 years and has not found any sign of rape.

Rape has been defined under Section 375 of the Indian Penal Code. The Hon'ble Supreme Court has said in a



judgment that to seek for corroboration in such cases would amount to insult to the womanhood.

Hence, I am not inclined to enlarge the petitioner on bail in connection with Mahila P.S. Case No. 32 of 2016/POCSO Case No. 120 of 2016 pending in the Court of learned Special Judge (POCSO Act), Gaya.

Accordingly, prayer for bail is refused.

The learned trial court is directed to expedite the trial.

(Birendra Kumar, J)

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