

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45362 of 2019

Arising Out of PS. Case No.-465 Year-2018 Thana- NAWADA District- Nawada

OMKAR KUMAR @ ONKAR KUMAR Son of Shambhu Kumar
Vishwakarma @ Shambhu Kumar @ Shambhu Mistry Resident of Village-
Chhanaun, P.S.- Rupou, District- Nalanda.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Sinha, Adv
For the Opposite Party/s : Mr.Kalyan Shankar,APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 25-07-2019 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 363, 366(A), 376(D), 379,
372/34 of the Indian Penal Code and 4/8 of POCSO Act.

The FIR relates to missing of the minor
daughter of the informant from her house. Suspicion was raised
against co-accused-Ravi Kumar Yadav. On recovery, the victim
in her statement under Section 164 Cr.P.C. stated that she was
victim of gang rape committed by others including the
petitioner.

Submission is that the petitioner was initially
declared juvenile by the Juvenile Justice Board, however,



considering the physical and mental capability of the petitioner to commit the crime, the trial of the petitioner was sent to the Special Children Court. Further submission is that other two co-accused having identical allegation were found juvenile and they have already been allowed bail by the Juvenile Justice Board. The petitioner was also found juvenile.

Considering the entire facts of this case especially the statement of the victim girl, I am not inclined to enlarge the petitioner on bail in connection with Special (Child) Case No.03 of 2019 arising out of Nawada P.S.Case No.465 of 2018 pending before the court of learned 1st Addl. Sessions Judge & Special Judge-cum-Children Court, Nawada. Hence, prayer is refused.

(Birendra Kumar, J)

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