

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1819 of 2020

Arising Out of PS. Case No.-19 Year-2019 Thana- MAHILA PS District- Gaya

SHRAWAN KUMAR @ JAGGA Son of Sri Yamuna Yadav Resident of
Village - Kujap, P.S.- Chandauti, Distt – Gaya Petitioner/s
Versus

The State of Bihar ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailesh Kumar, Adv

For the Opposite Party/s : Mr.Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 15-06-2020 The matter has been taken up through video conferencing.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Section 376(D) of the Indian Penal Code, Section 4 of the POCSO Act.

According to FIR, four person including the petitioner allegedly committed gang rape against the informant, a minor.

Learned counsel for the petitioner submits that different stories have been placed by the informant in the FIR, in her statement before the police recorded as further statement vide para-2 of the case diary and in her statement before the Magistrate under Section 164 Cr.P.C. Learned counsel for the



petitioner further submits that in the FIR, she alleges that four FIR named accused person allegedly committed rape when she had gone to attend the call of nature. In her statement under Section 164 Cr.P.C., she does not name the petitioner rather has named other three culprits. In her further statement before the police, she stated that she had gone alongwith her lover and both were in physical relation in the filed side. In the meantime other including the petitioner reached there and ravished her.

In spite of the aforesaid statements of the victim, one thing is clear that a minor was gang raped by four person including the petitioner. Since the FIR was lodged after 28 days of delay and reason for delay is mentioned in the FIR, hence it cannot be argued that medical report does not corroborate the allegation of forceful sexual assault.

Hence, I am not inclined to enlarge the petitioner on anticipatory bail in connection with Mahila P.S.Case No.19 of 2019 and POCSO Case No.60 of 2019 pending in the court of learned Special Judge (POCSO Act), Gaya. Prayer is refused.

(Birendra Kumar, J)

Nitesh/-

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

