

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7972 of 2020

Arising Out of PS. Case No.-371 Year-2019 Thana- GAIGHAT District- Muzaffarpur

Pankaj Kumar Son of Uday Ray Resident of Village- Mahamdpur Sura, P.S.-
Gaighat, District- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ravi Ranjan, Adv.
For the Opposite Party : Mr. Dashrath Mehta, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

3 08-06-2020 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State through video
conferencing.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 376, 34 of the Indian Penal
Code and Section 6 of POCSO Act.

Para 31 of the case diary goes to show that victim
specifically stated that she was raped by the petitioner and one
co-accused Indal Kumar. Victim happens to be minor girl.

Learned counsel of the petitioner submits that
petitioner has been made accused on account of village politics
and as a matter of fact, petitioner was not known to the victim
prior to the alleged occurrence as she admitted in the written



report. Furthermore, in her statement recorded under Section 164 of the Cr.P.C. she claimed that petitioner was known to her prior to the alleged occurrence. Learned counsel of the petitioner submits that the aforesaid contradiction makes the prosecution case doubtful.

Considering the aforesaid facts and circumstances as well as submissions of the parties, I am not inclined to release the petitioner on bail and accordingly, his prayer for bail in connection with Gaighat P.S. Case No. 371 of 2019 stands rejected.

(Hemant Kumar Srivastava, J)

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