

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11419 of 2020**

Arising Out of PS. Case No.-133 Year-2015 Thana- TEKARI District- Gaya

SARWAN KUMAR @ SHRAWAN KUMAR Son of Kameshwar Mistri
Resident of Village - Dighauar, P.S.- Tekari (Panchenpur), Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vishwa Ranjan Choudhary, Advocate

For the Opposite Party/s : Mr.Uma Shankar Pd Singh, Addl Public Prosecutor

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 25-06-2020

Heard learned counsel for the parties.

Petitioner apprehends arrest in a case registered for the offences punishable under Sections 376(2)(g)/363 of the Indian Penal Code as well as under the POCSO Act.

Prosecution's case, in brief, is that the petitioner took away the victim to some unknown place, kept her in a room and forcibly committed rape on her several times along with his friends.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in this case. In the medical report, victim's age has been assessed to be 19 years. The victim on her own accord had escaped from the house. Petitioner has got no criminal antecedent.

Learned counsel for the State opposes the prayer for bail submitting that the victim in her section 164 Cr.P.C. statement has made allegation of committing rape against the petitioner.

In view of the nature of allegation, prayer for bail of



the petitioner is refused with direction to surrender and seek regular bail which would be considered on its own merit without prejudice.

(Prabhat Kumar Singh, J)

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