

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15967 of 2020

Arising Out of PS. Case No.-14 Year-2019 Thana- MAHILA P.S District- West Champaran

DINANATH KUMAR, S/O- Late Nathuni Sah @ Late Kalachandr Sah R/o-
Turaha Toli, P.S. Bettiah Town, District - West Champaran, at present Mohalla
- Ilam Ram Chowk, Ganj No. - 1, Ward No. -17, Bettiah Town, District - West
Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 18539 of 2020

Arising Out of PS. Case No.-14 Year-2019 Thana- MAHILA P.S District- West Champaran

SAJAN KUMAR, Son of Lalan Thakur Resident of Village - Illa Ram
Chowk, Bettiah, P.S.- Bettiah Town, Distt.- West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

(In CRIMINAL MISCELLANEOUS No. 15967 of 2020)

For the Petitioner/s : Mr. Deovind Kumar Singh, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 18539 of 2020)

For the Petitioner/s : Mr. Sanjay Kumar No 7, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

4 09-11-2020

Heard the parties through video conferencing.

Both the aforesaid applications arise out of Mahila
P.S. Case No. 14 of 2019, registered under Section 376(D) of
Indian Penal Code and Section 4, 6 and 17 of the POCSO Act.
Therefore, both the aforesaid applications have been heard
together and are being disposed of by this common order.



The petitioners seek bail in connection with Mahila P.S. Case No. 14 of 2019, registered under Section 376(D) of Indian Penal Code and Section 4, 6 and 17 of the POCSO Act pending in the Court of learned Addl. Sessions Judge-I-cum-Special Judge, SC/ST/POCSO, Bettiah, West Champaran.

The accusation is that in the late evening of 13.09.2019, victim aged about 18 years moved from her house to sleep at the house of her relative (Mami) situated at Kotwali Chowk. In the way, suddenly, one four wheeler came near her. Four persons were sitting in the said vehicle, out of which two persons got down from the vehicle and pulled her in the vehicle. Thereafter, all persons unfolded clothes from their mouth then she identified them out of which one Kundan Kumar was of her mohala and three others i.e. Akash Kumar, Sajan Kumar (Petitioner in Criminal Miscellaneous No. 18539 of 2020) and Dinanath Kumar (Petitioner in Criminal Miscellaneous No. 15967 of 2020) used to visit at the house of Kundan Kumar, all the four persons, forcibly, committed rape upon the informant in the vehicle after unfolding her clothes.

Learned counsel appearing on behalf of the petitioners submits that both the petitioners have falsely



been implicated in this case with false allegation. In medical examination, no sign of rape was found.

The record shows that victim, who is aged about 17 years, has supported the allegation of rape committed by the petitioners and two others in her statement recorded under Section 164 Cr.P.C. The petitioners are in custody since 20.09.2019 and 18.09.2019, respectively.

Having considered the facts and circumstances of the case and nature of allegation, at present, I am not inclined to enlarge the petitioners on bail. Accordingly, the prayer for bail of the petitioners, above named, is rejected.

(Rajendra Kumar Mishra, J)

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