

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21205 of 2020**

Arising Out of PS. Case No.-446 Year-2019 Thana- CHAPRA TOWN District- Saran

ATISH KUMAR, aged about 25 years, Male, Son of Gorakh Sharma,
Resident of Village- West Ranja, P.S.- Chapra Town, Chapra.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mrs.Archana Sinha @ Archana Shahi, Advocate.
For the Opposite Party : Mrs. Veena Rani Prasad, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER**

4 19-10-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in a case for the offence
registered under Sections 376D/34 of the I.P.C. and 4, 5, 5(G), 6
of the POCSO Act.

The prosecution story, in brief, is that on 10.08.2019
at about 12.00 hours in the day, when the informant, Aarti
Kumari, was returning to her home after giving examination
from the School, in the way, co-accused Dhyani Sharma, Sonu
Sharma and Atish Kumar (petitioner) forcibly caught her and



pressed her mouth and took away her in the office of Gyani Sharma and committed rape upon her. Thereafter, they fled away. The victim was admitted in the hospital for treatment.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 12.08.2019. The petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The victim had love affairs with co-accused Dhyani Sharma and the same was not liked by the parents of the informant/victim. Hence, for the political reason, the present case has been instituted. The F.S.L. Report annexed to the present application does not show the presence of Semen.

On behalf of the learned counsel for the State, it has been submitted that the present case relates to a gang rape with a minor girl. The petitioner is named in the F.I.R. as one of the culprits. The alleged occurrence is said to have taken place in the office of a Ward Commissioner. The medical examination report which is in paragraph no. 52 of the case diary indicates that the victim girl had sustained injuries on her private part.

Considering the nature of allegation, I am not inclined



to grant bail to the petitioner. The same is rejected in connection with Chapra P.S. Case No. 446 of 2019, pending in the court of learned Additional Sessions Judge-Ist-cum-SC/ST Judge, Saran.

Learned court below is directed to take all necessary steps to conclude the trial at the earliest.

(Sudhir Singh, J)

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