

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26773 of 2020

Arising Out of PS. Case No.-129 Year-2019 Thana- PATORI District- Samastipur

Laxmi Kumar Paswan @ Laxmi Kumar @ Vikash S/o Amarnath Paswan
Resident of Village-Vindgama Mohanpur, P.S-Patori, District-Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan
For the Opposite Party/s : Mr.A.P.P.
Mr. Sunil Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 01-12-2020 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Shahpur Patori P.S. Case No. 129 of 2019 registered for the offence under Sections 366A, 376, 506 of the Indian Penal Code, Section 67(B) of Information Technology Act and Sections 4/8 of POCSO Act.

As per the prosecution case, this petitioner alongwith other FIR named accused persons forcibly abducted the informant (victim) on a Bolero and took her at different places. Thereafter, it is alleged that victim was given some intoxicant drugs and rape was committed with her. It is also alleged that accused persons also made the video of the incident viral on social media.



It is submitted on behalf of petitioner that petitioner is innocent and has committed no offence. In fact, no such occurrence has taken place. No medical examination has been conducted. It is further submitted that FIR has been lodged after inordinate delay of two months. The petitioner is in custody since 27-11-2019.

However, counsel for the State and informant have opposed the bail application. Counsel for the informant submits that there is specific allegation against this petitioner of committing rape and making the video of the incident viral. The aforesaid fact has also been supported by the victim in her statement recorded under Section 164 of the Cr.P.C.

Considering the aforesaid facts and circumstances, the bail application of petitioner is rejected.

(Prabhat Kumar Singh, J.)

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