

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74897 of 2019

Arising Out of PS. Case No.-17 Year-2019 Thana- MANSURCHAK District- Begusarai

RAJ KUMAR @ MALWA THAKUR S/o Late Umesh Thakur R/o village-
Samsa, P.S.- Mansurchak, District- Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Jai Prakash Singh, Advocate
For the informant	:	Mr. Radha Mohan Singh, Advocate
For the Opposite Party/s	:	Mr.Madhura Nand Jha, APP

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

ORAL ORDER

3 19-03-2020 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in connection with
POCSO Case No. 14 of 2019, arising out of Mansurchak P.S.
Case No. 17 of 2019, registered under Section 376(D) of Indian
Penal Code and Sections 4, 5, 6 and 12 of the POCSO Act,
pending in the Court of learned Addl. Sessions Judge-I-cum-
Special Judge, POCSO Act, Begusarai.

The accusation is that in the evening of
11.02.2019, while informant, aged about 13 years, was going to
attend call of nature, meanwhile, Aman Kumar Sah, Gidorwa
@ Sujit Thakur, Raviya Malakar, Malwa Thakur (Petitioner),
Chhotua Malakar and Sunny Sah, forcibly, took her and all
committed rape upon the informant one by one and also



prepared her nude photograph.

Learned counsel appearing on behalf of the petitioner submits that while occurrence is said to be committed on 11.02.2019, but the F.I.R. has been lodged on 22.02.2019 after ten days of the occurrence. Further submission is that in the medical examination, the age of the victim has been assessed between 15 to 17 years.

On the other hand, learned APP for the State assisted by learned counsel appearing on behalf of the informant submits that the victim has fully supported the case in her statement recorded under Section 164 of the Cr.P.P.

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

(Rajendra Kumar Mishra, J)

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