

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79381 of 2019

Arising Out of PS. Case No.-276 Year-2019 Thana- TRIVENIGANJ District- Supaul

VIJAY KUMAR @ VIJAY MARANDI Son of Sri Bhayalal Marandi,
Resident of Village and P.S.- Basnahi, District- Saharsa.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Manisha Kumari D/o Mr. Edward, Resident of Ward No. 5, Latauna North,
Ward No. 5, P.S.- Triveniganj, District- Supaul.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amrit Abhijat, Adv.

For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 04-06-2020 Heard both sides through Video Conferencing.

Petitioner seeks bail in Triveniganj P.S. Case No.276
of 2019 registered under Sections 376(D), 323, 341 of the IPC
and under Section 6 of the POCSO Act.

The victim disclosed in her fardbeyan that she had
gone to attend the call of nature at about 2:00 in the night in her
latrine and when she came out, Ashish Kumar, Pintu Kumar,
Pradeep, Sintu Kumar, Rajan Kumar and Vijay Kumar
(petitioner) caught her and took her in the garden of *Mehegni*.
All the accused persons committed rape with her one by one and
they threatened the victim to kill her father as well as the victim,
if she discloses about the occurrence.



Learned counsel for the petitioner submits that the petitioner is of course named in the F.I.R. but the victim in her statement recorded under Section 164 of the Cr.P.C. did not disclose the fact that the petitioner committed rape with her. She disclosed that the petitioner also made video for the episode while other accused persons were committing rape with her one by one but it appears that the victim named the petitioner in the F.I.R. itself. She made specific allegation that all accused persons committed rape with her one by one. In her statement under Section 164 of the Cr.P.C., she disclosed the fact that the accused persons committed rape with her one by one and the petitioner made video of the same.

Having considered the facts aforesaid, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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