

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77335 of 2019

Arising Out of PS. Case No.-84 Year-2019 Thana- CHANAN District- Lakhisarai

DILIP KUMAR, Son of Mahesh Ram @ Mahesh Rai, Resident of Village -
Etwon, P.S.- Chanan, Distt - Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Adv.

For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 19-06-2020 Heard learned counsels for the petitioner and
learned APP for the State.

The petitioner is languishing in custody since 19.08.2019 in a case registered for the offences punishable under Sections 363, 366A/34 of the Indian Penal Code, 1860 and Sections 4/8 of the POCSO Act, 2012.

The prosecution case as per the written report of Diwakar Kumar submitted before the S.H.O., Chanan Police Station is to the effect that on 31.05.2019 at 5.00 P.M. the informant was returning from Mananpur market to his house, on the way, he saw five persons travelling on two motorcycles taking the sister of the informant, namely 'X' (changed name) aged about 15 years. He identified the petitioner, Dilip Kumar, and co-accused, Raj Kumar Rai along with her sister on one



motorcycle while on the other motorcycle, he identified co-accused, Indrajeet Kumar and Risabh Kumar Rai. It is alleged that when the informant complained about the incident to the house of the petitioner, the family members of the petitioner abused the mother of the informant. Subsequently, the statement of the victim girl was recorded under Section 164 of the Cr.P.C. wherein she has stated that the petitioner forcefully established physical relationship with her.

It is submitted by learned counsel for the petitioner that the petitioner has maliciously been framed in the present case. Moreover, for the alleged occurrence of 31.05.2019 at 7.00 P.M., the FIR was registered on 03.06.2019 at 7.00 P.M and the victim herself denied to undergo medical examination. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned counsel for the informant submits that the accusation is specific against the petitioner.

Learned APP also supports the contention of learned counsel for the informant.

Considering statement of the victim girl recorded under Section 164 of the Cr. P.C. wherein she has named the petitioner as a person who ravished her and the doctor has found



the victim a minor, this Court is not inclined to grant bail to the petitioner for the present.

Accordingly, the prayer for bail of the petitioner in connection with Chanan P.S. case No.84 of 2019, pending before the learned Additional District and Sessions Judge-I-cum-Special Judge, Lakhisarai is rejected.

However, it is expected from the trial Court to expedite the trial.

(Dinesh Kumar Singh, J)

Ashwini/-

U		T	
---	--	---	--

