

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15564 of 2021

Arising Out of PS. Case No.-41 Year-2020 Thana- ANGARGHAT District- Samastipur

Kundan Kumar Ray @ Kundan Kumar S/o Hare Kant Ray R/o village-
Angarghat Tole Jirayat, P.S.- Angarghat, District- Samastipur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Surya Narayan Roy, Advocate
For the Opposite Party : Mr. B.Bhushan, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 23-08-2021 Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of regular bail in Angarghat Police Station Case No. 41 of 2020 registered for the offence punishable under Sections 376/34 of the Indian Penal Code and Section 4 of the POCSO Act.

As per the prosecution case, this petitioner along with three other co-accused persons has committed gang rape upon the informant who is aged about 15 years.

It is submitted on behalf of the petitioner that petitioner has been falsely implicated in this case due to village politics. It is further submitted that as per medical report, age of the victim girl is 18-19 years as such, POCSO Act is not applicable in this case. Moreover, the Doctor has also ruled out possibility of sexual intercourse with the informant.



However, learned counsel for the State opposed the bail application and submitted that there is specific allegation of rape against this petitioner and the doctor has also not ruled out the possibility of rape.

In view of the specific allegation against the petitioner, his prayer for bail is refused.

(Prabhat Kumar Singh, J)

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