

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13761 of 2021**

Arising Out of PS. Case No.-233 Year-2020 Thana- BARACHATTI District- Gaya

BINAY KUMAR Son of Late Ruplal Singh Resident of Village - Masaundha,
P.S.- Barachatti Mohanpur, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh
For the Opposite Party/s : Mr. Abhay Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

5 20-09-2021 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 342, 323, 354(B), 354(D), 307, 504, 506, 34 of the IPC, Section 8, 12 of POCSO Act and u/s 3(i) (r) (s) (w) of the SC/ST (Prevention of Atrocities) Act.

As per the prosecution case, this petitioner along with other accused persons are alleged to have committed rape on the minor informant.

It is submitted that no such occurrence has taken place and in fact petitioner and informant are co-villager and there is dispute between the parties over passage and due to that this petitioner has been falsely been implicated in this case without any specific allegation. It is further submitted that the victim in her statement u/s 164 of the Cr. P. C. has not alleged any sexual



assault against this petitioner and during the course of examination the victim has not been examined by the doctor, as such, no case u/s 354 or 376 of the IPC is made out against this petitioner. Petitioner is in custody since 02.05.2020 and investigation in this case is complete.

Learned counsel appearing for the State opposes the prayer for bail and submits that victim in her statement u/s 164 of the Cr. P. C. has supported the prosecution case and stated that this petitioner along with other accused persons forcibly took her to the middle school where physical assault was made with the victim.

Considering the facts of the case, gravity of nature of accusation and the statement of victim recorded u/s 164 of the Cr. P. C., I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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