

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16763 of 2021

Arising Out of PS. Case No.-111 Year-2020 Thana- SONO District- Jamui

AAKASH KUMAR SINGH @ AKASH KUMAR SINGH Son of Bipin
Singh Resident of Village - Rajpur, P.S.- Sono, Dist.- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amar Prakash
For the Opposite Party/s : Mr.H.A. Khan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 14-07-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Sono P.S. Case No.111 of 2020 registered for the offence punishable under Sections 341, 323, 307, 376, 354, 504, 506/34 of the Indian Penal Code and u/s 3/4 POCSO Act.

The prosecution case in short is that the 10 years old daughter of the informant was raped by the petitioner, when she went to attend the call of nature. The petitioner also tried to



murder her but somehow she saved herself by shouting and raising alarm.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has not committed any offence as alleged in the FIR. No offence as alleged has ever took place. The victim is misguided by his enemy to bring such false case against the petitioner with an intention to harass him and his family members. There is no injury on the private parts of the victim. No definite opinion regarding rape has been given by the medical experts. Though there is allegation of trying to strangulate but there is no injury mark on the neck of the victim. The medical report is Annexure-2. There is no eye-witness to the occurrence. The villagers of Lakhankiyari Gram Panchayat have supported the petitioner and oppose the offence of rape by submitting application (Annexure-3). The petitioner has no criminal antecedent and has been languishing in custody since 21.05.2020.

Learned APP for the State opposed the prayer for bail by submitting that the victim is a minor girl of 10 years and she has supported her allegation under section 164 and 161 of CrPC. There is no reason for a minor to falsely implicate the petitioner.

Considering the facts and circumstances of this case,



since the victim has supported her statement under section 161 and 164 CrPC, I am not inclined to enlarge the petitioner on bail.

The bail petition is rejected.

(Anjani Kumar Sharan, J)

pallavi/-

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

