

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17345 of 2021

Arising Out of PS. Case No.-171 Year-2020 Thana- SIRDALA District- Nawada

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Kapil Kushwaha (Male), aged about 45 years, Son of Late Lakhan Mahto
Resident of Village - Pathra, P.S.- Meskaur, Distt.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh

For the Opposite Party/s : Md. Aslam Ansari A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 08-07-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Sirdalla (Meskaur) P.S. Case No. 171 of 2020, registered for the offence under Sections 420, 376(B) and 506 of the Indian Penal Code and Sections 4/6 of the POCSO Act.

As per the prosecution case, the petitioner is alleged to have committed repeated sexual intercourse with informant, resulting in pregnancy.

It is submitted on behalf of petitioner that petitioner has been falsely implicated in this case and as per FIR, the alleged occurrence has firstly taken place on 10.03.2020 and the present case was lodged on 18.05.2020 after an unexplained delay of two & half months. It is further submitted that as per medical report, the victim carried pregnancy of 14-16 weeks old. Meaning thereby that the petitioner has nothing to do with



the alleged pregnancy and he is in custody since 18.05.2020.

However, learned A.P.P. for the State opposed the bail petition and submitted that the prosecution case has duly been supported by the victim (informant) in her statement recorded under Section 164 of the Cr.P.C. and the doctor has found her pregnant and assessed her age as 17 years.

Considering the nature and gravity of the offence as well as statement of the victim recorded under Section 164 Cr.P.C. and medical report, I am not inclined to grant bail to the petitioner and same is, accordingly, rejected.

(Prabhat Kumar Singh, J.)

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