

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19146 of 2021

Arising Out of PS. Case No.-242 Year-2019 Thana- FATEHPUR District- Gaya

Ajeet Kumar @ Ajit Kumar Son of Sri Karu Yadav Village Samalgarhi PS
Fatehpur District Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 21-10-2021 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 376(A) (B), 506, 120B and 34 of the Indian Penal Code and section 8 of the POCSO Act.

As per the prosecution case, the four accused persons forcibly took away informant and while one of them committed rape, three of them filmed the same. It is further stated that in course of inquiry it transpired that the petitioner was amongst the accused persons.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. There is an unexplained delay of six days in lodging of the F.I.R. In course of investigation it transpired that an independent witness stated about the rumour in the village that a false case under



section 376 of the Indian Penal Code has been registered falsely implicating the accused persons including the petitioner herein. Learned counsel further submits that on the Investigating Officer asking for the alleged video, it was stated that the same has been deleted by the brother of the victim. The petitioner has no criminal antecedent and is in custody since 4.9.2020. Chargesheet has been submitted in the case. It is submitted that even the medical report of the victim does support the allegations as levelled in the F.I.R.

The prayer for bail of the petitioner is opposed by learned A.P.P. for the State who submits that not only the petitioner is named in the F.I.R. but the allegations in the F.I.R. have been supported by the victim in her statement under section 164 Cr.P.C.

Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R. together with the victim having supported the allegations in her statement under section 164 Cr.P.C., the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Learned trial Court is directed to expedite the trial.

Bibhash

U			
---	--	--	--

(Partha Sarthy, J)

