

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23201 of 2021**

Arising Out of PS. Case No.-188 Year-2019 Thana- GAIGHAT District- Muzaffarpur

ARVIND KUMAR S/O VINOD SAH R/o village and P.O.- Susta, P.S.-
Gaighat, District- Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate
For the Opposite Party/s : Mr. Rajballabh Singh, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

4 29-11-2021 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 376 and 34 of the Indian Penal Code and section 4 of the POCSO Act.

As per the prosecution case, the accused persons including the petitioner herein are stated to have committed rape on the minor informant.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. From perusal of the FIR it would transpire that the allegation of rape is specific on co-accused Satyendra Kumar and Tarun Rai, while so far as the allegation against the petitioner is concerned, he is only alleged to have caught the hand of the informant. It is further submitted that the petitioner has no criminal antecedent



and is in custody since 1.12.2020. The medical report does not support the prosecution case.

Heard learned APP for the State.

Having heard learned counsel for the parties and on having gone through the materials which has transpired in course of investigation including the statement of the victim under section 164 Cr.P.C, the petitioner having been named in the FIR and having participated in the occurrence, 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.

(Partha Sarthy, J)

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