

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25061 of 2021**

Arising Out of PS. Case No.-82 Year-2019 Thana- MAHILA P.S. District- Kaimur (Bhabua)

SONU @ SHAHNAWAJ SON OF LATE AKHTAR ALI R/O MOHANIYA
WARD NO. 15, (BHABUA ROAD) P.S. MOHANIYA, DISTRICT-
KAIMUR AT BHABUA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate
Mr. Rajesh Kumar, Adv.
For the Opposite Party/s : Mr. Dashrath Mehta, APP

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

3 08-12-2021 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 376D, 366A, 341, 342, 504 and 506 of the Indian Penal Code, section 6 of the POCSO Act and section 67(A) and (B) of the I.T. Act.

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

It is submitted by learned senior counsel appearing for the petitioner that the petitioner has been falsely implicated in the case. As per the medical report, the petitioner is not a minor and as such, no offence under the POCSO Act would be made out. From the recital of the F.I.R., it appears to be a



consensual relationship. The petitioner is nowhere found in the alleged video and there is an unexplained delay of five days in lodging of the F.I.R. The petitioner is in custody since 25.11.2019.

The application for bail is opposed by learned A.P.P. for the State who submits that there is direct allegation against the petitioner in the F.I.R. which is also 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 direct allegation against the petitioner which is supported by the victim 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.

(Partha Sarthy, J)

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