

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26446 of 2021

Arising Out of PS. Case No.-96 Year-2020 Thana- MAHILA P.S. District- Kaimur (Bhabua)

1. RAHUL KUMAR SON OF DHARMENDRA SAH @ DHARMENDRA KUMAR GUPTA .
2. PRABHU RAM SON OF DHARIKSHAN RAM @ DHARICHAN RAM
Both R/O VILLAGE- KUDRA BAZAR, P.S.- KUDRA, DISTRICT- KAIMUR AT BHABUA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Tribhuwan Narayan
For the Opposite Party/s : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 13-09-2021 This matter is taken up for consideration through
Video Conferencing.

Heard learned counsel for the petitioners and the State.

The petitioners pray for grant of bail POCSO Case no.
65/2020 arising out of Mahila Bhabua P.S. Case no. 96/2020
registered for the offence punishable under section 376/34 of the
Indian Penal Code.

As per prosecution case, these petitioners committed
rape upon the informant.

It is submitted on behalf of petitioners that petitioners
have been falsely implicated in this case. There is variation in
the manner of occurrence in the FIR and 164 statement of the



victim. There is no eye witness to the occurrence and medical report does not support the prosecution case.

However, learned counsel for the State opposed the prayer for bail and stated that victim in her 164 statement has supported the prosecution case and doctor has found the age of the victim between 14 to 16 years and has opined that sexual assault cannot be denied.

Considering the rival submissions and nature of allegation and gravity of the offence, this bail application is rejected.

(Prabhat Kumar Singh, J)

s.hassan/-

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