

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26849 of 2021**

Arising Out of PS. Case No.-492 Year-2020 Thana- CIVIL LINE District- Gaya

MONU KUMAR S/o Basudeo Soni R/o Mohalla- Rajendra Ashram, P.S.-
Civil Lines, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivendra Prasad, Advocate

For the Opposite Party/s : Ms. Anita Kumari Singh, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

3 06-12-2021 Heard the learned counsel for the petitioner and
Smt. Anita Kumari Singh, the learned APP for the State.

The petitioner seeks regular bail in connection with Civil Lines PS case no. 492 of 2020 instituted for the offences punishable under Sections 376 of Indian Penal Code and Sections 4, 8 and 12 of POCSO Act.

The petitioner is alleged to have lured the minor victim girl and established physical relation with her forcibly.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 23.02.2021. The learned counsel for the petitioner has further submitted that the petitioner and the victim girl were having relationship since a long time and



only on account of the fact that the petitioner has refused to marry the victim girl, he has been falsely implicated in the present case.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail and has referred to the statement of the victim girl made under Section 164 Cr.P.C. before the learned Magistrate to contend that the victim girl has supported the factum of commission of rape upon her by the petitioner, hence no case is made out for grant of bail to the petitioner herein.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the statement of the victim girl made under Section 164 Cr.P.C. before the learned Magistrate, this Court finds that a *prima facie* case is definitely made out against the petitioner of having committed a heinous crime of rape, thus, I do not find any merit in the present petition, accordingly the same stands dismissed.

(Mohit Kumar Shah, J)

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