

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28702 of 2021**

Arising Out of PS. Case No.-18 Year-2020 Thana- PATEPUR District- Vaishali

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UMESH BHAGAT @ NAND KISHOR BHAGAT Son of Ram Ekbal Bhagat
Resident of Village - Dadhua, P.S.- Patepur, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Satya Prakash Sinha
For the Opposite Party/s : Mr. Binod Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 09-08-2021 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 341, 323, 506, 376(g) of the Indian Penal Code and u/s 4/6 of POCSO Act.

As per the prosecution case, the niece of the informant was taken to a desolate place by the petitioner and five other accused persons and thereafter it is alleged that this petitioner committed rape upon the victim, a minor girl.

Learned counsel appearing for the petitioner submits that the alleged place of occurrence is a highly populated area and there is no eye witness to the occurrence. The doctor has assessed the age of victim to be 17 years and no sign of rape was found by the doctor and the victim after knowing the real facts filed compromise petition before the court below.



Learned counsel appearing for the State opposes the prayer for bail and submits that there is specific allegation against this petitioner that he committed rape upon the victim. As per Adhar Card the date of birth of victim is 08.03.2006.

considering the nature of allegation, gravity of the offence and the fact that there is direct and specific allegation against this petitioner that he committed rape upon the victim, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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