

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25617 of 2020

Arising Out of PS. Case No.-58 Year-2020 Thana- JALE District- Darbhanga

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Sagar Kumar, Male, aged about 20 years, S/o- Mahesh Sahani, Resident of
Village- Malikpur, P.S.- Jalley, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shambhu Nath Jha, Advocate

For the Opposite Party/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 24-03-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with POCSO
g.r. Case No.20 of 2020 arising out of Jalley P.S. Case No. 58 of
2020 registered for the offences punishable under Sections
354(D) and 376(D) of the Indian Penal Code and Sections 4/6 of
the POCSO Act.

As per F.I.R., it is alleged that on 24/25.04.2020 at
10.00 P.M., informant, who is aged about 16 years had gone to
sleep at grand mother's house. In the way near Manrega
Bhawan accused Murari Kumar, Indrajeet Das were listening
vulgar song and when she proceeded further and reached near
the house of Murari, he closed her mouth from his hand and
Indrajeet caught her hand and pulled her near the orchard of



Dhyani Das. Accused Sagar Kumar, Ashok Kumar and Rohan Kumar also came there and they all tied her mouth with the cloth and all the five accused persons committed rape upon her one by one.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in the present case due to grudge, enmity and village politics. He further submits that the allegations are baseless, concocted and false. He further submits that the petitioner is a permanent handicapped person. Petitioner is in jail custody since 18.05.2020 and petitioner has got no any criminal antecedent.

Learned A.P.P. for the State opposed the bail petition.

I have perused the record along with the case diary. The statement of the victim has been recorded under Section 164 Cr.P.C., who supported the prosecution case. There is direct and specific allegation against the petitioner that he along with co-accused has committed rape upon the victim.

In the facts and circumstances of the case, I am not inclined to enlarge the above named petitioner on bail. Accordingly, the prayer for bail of the above named petitioner in connection with POCSO G.R. Case No.20 of 2020 arising out of



Jalley P. S. Case No.58 of 2020 pending in the court of learned
1st Additional Sessions Judge-cum-Special Judge (POCSO Act),
Darbhanga is hereby rejected.

(Anjani Kumar Sharan, J)

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