

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37069 of 2020

Arising Out of PS. Case No.-9 Year-2020 Thana- MAHILA P.S. District- Samastipur

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KAVI KUMAR @ GUNJESH KUMAR SON OF RAM SUDEV MAHTO
R/O VILLAGE - BISHANPUR, P.S. - MUFFASIL, DISTRICT -
SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Karandeep Kumar, Advocate
Mr. Mahendra Pratap, Advocate
For the Opposite Party/s : Mr. Lalan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 24-03-2021 Heard Mr. Karandeep Kumar, learned counsel
for the petitioner and Mr. Lalan Kumar, learned APP for
the State.

The petitioner seeks bail in connection with T.R.
No. 178 of 2020, arising out of Mahila P.S. Case No. 09
of 2020 dated 06.02.2020 instituted for the offences
under Sections 376(AB) and 504 of the Indian Penal
Code and Section 4 of the POCSO Act.

He is said to have committed rape on the
victim.

Learned counsel for the petitioner has
submitted that the accusation in the FIR cannot be
accepted as he is shown to be the only accused person
who had entered the house of the prosecutrix and had



raped her. This, according to the argument of learned counsel for the petitioner is not possible as younger brother of the victim was also present in the house.

Apart from this, he has submitted that the victim is a married woman aged about twenty years and therefore, this accusation is false.

Both the grounds raised by the petitioner are not at all acceptable.

Regard being had to the nature of accusation against the petitioner, I am not inclined to grant bail to him notwithstanding the fact that he is in custody since 06.02.2020.

Accordingly, the prayer for bail is rejected.

The trial court is directed to expedite and conclude the trial preferably within a period of nine months from the date of receipt/production of a copy of this order.

(Ashutosh Kumar, J)

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