

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38246 of 2020

Arising Out of PS. Case No.-468 Year-2020 Thana- KANTI THARMAL POWER District-
Muzaffarpur

Mukesh Kumar Son Of Visundeo Sahani Resident Of Village- Ramanth
Dhamauli Chandrabhar, Police Station- Kanti, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Parasmani, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 08-03-2021 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with Kanti P.S. Case no. 468 of 2020 registered under sections 376A and 376B of the Indian Penal Code and section 4 of the POCSO Act.

As per allegation in the FIR, it is stated by the informant that the petitioner committed rape on her.

It is submitted by learned counsel for the petitioner that the allegations as levelled in the FIR are false and concocted which would be evident from the fact that soon after the alleged occurrence on 9.8.2020, on the same day the informant was medically examined and the medical report does not support the allegations levelled in the FIR as neither any



external or internal injury was found. It is submitted that the petitioner is in custody since 10.8.2020 and has no criminal antecedent.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and on perusal of the materials on record, it transpires that there is direct allegation against this petitioner of having committed rape on the 14 year old minor informant. The said allegations have been supported by the informant in course of investigation. In view of the direct allegation against the petitioner, the Court is not inclined to enlarge the petitioner on bail at present and hence the same is rejected.

However, taking into consideration the submissions made on behalf of the petitioner, liberty is granted to the petitioner to renew his prayer for bail after completing one year in custody.

(Partha Sarthy, J)

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