

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.40889 of 2020**

Arising Out of PS. Case No.-82 Year-2019 Thana- MAHILA P.S. District- Kaimur (Bhabua)

KALAMU @ SONU SON OF MURTUZA SHAH RESIDENT OF  
VILLAGE - BHABUA ROAD MOHANIA, WARD NO. 15, P.O and P.S. -  
MOHANIA, DISTRICT - KAIMUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Vijay Kr Singh No. 1, Advocate

For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

9      05-07-2021                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State through video  
conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with POCSO Case no. 53 of 2019 (arising out of Bhabhua Mahila P.S. Case no. 82 of 2019) registered under sections 376D, 366A and other sections of the Indian Penal Code, section 6 of the POCSO Act and section 67(A)(B) of the IT Act.

As per allegation in the FIR, it is stated by the informant that on way to her coaching she became friends with accused Pallu. It is submitted that they exchanged telephone numbers. He expressed his willingness to marry her. It is further stated that on the date of occurrence the four named accused persons including the petitioner herein committed rape on her and made a video film of the occurrence.



It is submitted by learned counsel for the petitioner that the allegations as levelled in the FIR are false and incorrect. From the FIR itself it would transpire that the informant was on interacting terms with co-accused Pallu. The petitioner has been falsely implicated in the case because of his proximity and friendship. The petitioner is in custody since 26.11.2019, has no criminal antecedent and there is no progress in the case in the learned Court below.

The application for bail is opposed by learned Additional Public Prosecutor for the State who submits that the minor informant has supported the allegation against the petitioner in her statement under section 164 Cr.P.C.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case together with the contents of the statement under section 164 Cr.P.C. of the minor informant, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

The learned trial court is directed to expedite the trial.

**(Partha Sarthy, J)**

Spd/-

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