

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4368 of 2021

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

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1. MURARI KUMAR Son of Jogi Dass Resident of Village - Malikpur, P.S.- Jalley, District - Darbhanga.
 2. Ashok Kumar @ Ashok Kumar Dass Son of Dilip Dass Resident of Village - Malikpur, P.S.- Jalley, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mazharul Hassan

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 23-03-2021 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners seek bail in Jalley P.S. Case No. 58 of 2020 registered for the offences punishable under Sections 354(D)/376(D) of the Indian Penal Code and Section 4/6 of the POCSO Act.

As per the prosecution case, these petitioners along with the other accused persons committed rape on the informant and made video of the same and also threatened her that if she discloses the incident then the video will be uploaded on social media.

It is submitted on behalf of the petitioners that petitioners have been falsely implicated in this case. It is further submitted



that F.I.R. has been lodged after a lapse of fifteen days of the alleged incident. It is next submitted that medical board has assessed the age of the victim girl between 15-17 years and no sign of rape has been found by the doctor.

However, learned A.P.P. appearing on behalf of the State vehemently opposed the bail application and submitted that the specific allegation of committing gang rape upon the victim is against the petitioners and they have also made video of the incident. As such, the petitioners are not entitled to be enlarged on bail.

Considering the nature of allegation and the gravity of offence, this Court is not inclined to grant bail to the petitioners.

It is, accordingly, rejected.

(Prabhat Kumar Singh, J)

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