

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1902 of 2021**

Arising Out of PS. Case No.-190 Year-2020 Thana- NATHNAGAR District- Bhagalpur

Dhiraj Kumar Son of Prakash Choudhary R/O Village- Bhimkitta, P.S.-
Madhusudanpur, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Manoj Kumar

For the Opposite Party/s : Mr.Ajay Kumar-2

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

4. 10-06-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Nath Nagar P.S. Case No. 190 of 2020, POCSO Case No. 70 of 2020, registered for the offence under Sections 399, 402, 370, 370A, 34 of the Indian Penal Code, Sections 25(1-b)a, 26, 35 of the Arms Act, Sections 5/6/7/8 of Immoral Traffic Prevention Act and Section 4 of POCSO Act.

As per the prosecution case, on 21.03.2020, while the informant was on patrolling duty with other police officials, he got a secret information that some accused persons have assembled alongwith a girl in the house of co-accused Natwar Sah. Thereafter, it is alleged that they reached near the house of Natwar Sah and found 2-3 persons standing near a Maruti Zen



Car and one girl was found on the back seat of the car and one person was found in compromising condition, who disclosed his name as Natwar Sah and after search, arms were also recovered from his possession. Thereafter, on search of house of co-accused Natwar Sah, petitioner and one Golu Kumar were apprehended and on search, arms were recovered from their possession.

It is submitted on behalf of the petitioner that petitioner is innocent and has been falsely implicated in this case by the police and none of the offence, alleged in the FIR, is made out against this petitioner. Offence alleged under Immoral Traffic (Prevention) Act is also not attracted in this case against petitioner. It is further submitted that the victim has been medically examined and no external/internal injury has been found. The petitioner is in custody since 21.03.2020.

However, learned A.P.P. for the State vehemently opposed the bail petition and submitted that petitioner was apprehended on spot alongwith a minor girl and arms & ammunition were recovered. The victim, in her statement recorded u/s 164 Cr.P.C., has stated that all the three accused persons, including this petitioner, did intercourse with her.

Considering the aforesaid facts & circumstances as



also submissions of the parties and considering the statement of the victim girl recorded under Section 164 Cr.P.C., the bail application of petitioner is rejected.

(Prabhat Kumar Singh, J.)

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