

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3040 of 2021**

Arising Out of PS. Case No.-415 Year-2019 Thana- GOVINDGANJ District- East
Champaran

=====

ANAND PATEL @ ANAND KUMAR Son of Sudan Patel @ Sudhan Raut
Resident of Village - Manguraha, P.S.- Govindganj, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. APP

=====

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

2 16-03-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is in custody since 26.12.2019 in connection with Govindganj P.S. Case No. 415 of 2019 registered for the offences punishable under Sections 363/376 (g)/34 of the Indian Penal Code and Section 4 and 6 of the POCSO Act.

As per the prosecution case, On 12.12.2019 at about 10:00 p.m., while the informant went to attend call of nature, this petitioner along with other co-accused persons forcibly abducted her. It is further alleged that they took her to Bettiah and she was raped alternatively by all the accused persons.



It is submitted on behalf of the petitioner that though the incident is said to have taken place on 23.12.2019, but FIR has been lodged on 25.12.2019. It is further submitted that medical report does not corroborate the prosecution case and petitioner has been falsely implicated in this case due to political rivalry.

However, learned A.P.P. appearing on behalf of the State vehemently opposed the bail application and submitted that there is specific allegations of abduction and rape against this petitioner which has been duly supported by the minor victim girl aged about 12 years in her statement recorded under Section 164 Cr. P.C. and the forensic expert has also confirmed presence of semen over the *salvar* of the minor victim girl and it has been opined by the FSL report that the *salvar* of the victim is having blood mixed with semen over it, the petitioner does not deserve the privilege to be enlarged on bail.

In view of the 164 Cr. P.C. statement of the victim girl and considering the gravity of offence, this Court is not inclined to grant bail to this petitioner.

It is, accordingly, rejected.

(Prabhat Kumar Singh, J)

Saif/-

U		T	
---	--	---	--

