

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.2088 of 2021**

Arising Out of PS. Case No.-466 Year-2020 Thana- BHABHUA District- Kaimur (Bhabua)

Riyasat Ali Son of Md. Munir Alam Resident of Bhabhua, Ward No.-14, P.S.-  
Bhabhua, District-Kaimur (Bihar)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Md. Kamran, Advocate

For the Opposite Party/s : Mr. B. N. Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**  
**ORAL ORDER**

3      25-05-2021      Heard the parties in virtual Court proceeding.

The petitioner is languishing in custody for the offences punishable under Sections 376G of the Indian Penal Code, Section 6 of the POCSO Act and Section 3(2)(v) SC/ST Act in connection with Bhabhua P.S. Case No.466 of 2020.

Lav Patel called the informant on mobile at his room. Initially Lav Patel sexually abused her and thereafter his friend and he abused her sexually. During investigation Lav Patel and his friend were arrested in the same room where the offence was committed and the victim identified both as perpetrator of the crime. The doctor has also assessed the age of the victim between 16 to 17 years.

Learned counsel for the petitioner relying on the statement of the victim recorded under Section 164 Cr.P.C.



submits that the victim has not named this petitioner.

If the petitioner was not known by name to the victim that would not make any difference as the victim immediately identified the petitioner along with Lav Patel in the same room where the offence was committed.

Considering the nature of allegation, I am not inclined to enlarge the petitioner on bail. Hence, the prayer for bail is refused. The trial Court is directed to expedite the trial.

**(Birendra Kumar, J)**

Mkr./-

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