

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.6380 of 2021**

Arising Out of PS. Case No.-110 Year-2020 Thana- BUNIYAD GANJ District- Gaya

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Dinesh Malakar @ Gomasta Son Of Mahesh Malakar @ Mahesh Bhagat @ Mahesh Bhagat Mali R/O Village- Gopal Pandey Gali Manpur, P.S.- Buniyadganj, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Gajendra Kumar Singh  
For the Opposite Party/s : Mr.Sharda Nand Mishra  
Mr.Deepak Kumar

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

4. 05-08-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in POCSO Case No. 79 of 2020, arising out of Buniyadganj P.S. Case No. 110 of 2020, registered for the offence under Sections 442, 376 and 506 of the Indian Penal Code and Section 4 & 8 of POCSO Act.

As per the prosecution case, the petitioner is alleged to have kidnapped the minor daughter of the informant, kept her whole night in a room and committed rape with her.

It is submitted on behalf of petitioner that petitioner has been falsely implicated in this case on a concocted and false story. Though, the alleged occurrence has taken place on 13.07.2020, but the FIR has been instituted on 17.07.2020



without any plausible explanation of delay. It is further submitted that the victim, in her statement recorded under Section 164 Cr.P.C., has narrated different story. The victim was medically examined on 17.07.2020 by the doctor and the doctor has not found any recent sexual intercourse with the victim. Petitioner is in custody since 04.09.2020.

However, learned counsel for the informant opposed the bail petition and submitted that there is specific allegation against this petitioner of kidnapping the daughter of informant and committing rape. As per medical report, the age of the victim was assessed between 12-13 years and in statement recorded under Section 164 Cr.P.C., the daughter of the informant has clearly stated that the accused had raped repeatedly during night.

Considering the nature of allegation and gravity of offence, I am not inclined to grant bail to the petitioner and same is, accordingly, rejected.

**(Prabhat Kumar Singh, J.)**

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