

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6617 of 2021

Arising Out of PS. Case No.-107 Year-2020 Thana- MAHILA PS District- Buxar

1. SHATRUGHAN KUMAR @ SHATRUDHAN KUMAR S/o Parsuram Bind @ Parsuram Bind R/o village- Basudewa Bind Toli, P.S.- Nawanagar, District- Buxar
2. Upendra Kumar S/o Munna Bin @ Munna Bind R/o village- Basudewa Bind Toli, P.S.- Nawanagar, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar II, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 23-06-2021 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State through video conferencing.

The petitioners have filed the instant application for grant of regular bail in connection with POCSO Case no. 41 of 2020 arising out of Buxar Mahila P.S. Case No.107 of 2020 registered under sections 376, 342, 506 and 34 of the Indian Penal Code and section 6 of the POCSO Act.

As per allegation in the FIR, it is stated by the informant that that she was on friendly terms with coaccused Sheru. On the date of occurrence, she is visiting his house. She was concealed from her maternal grand mother by the accused persons including the two petitioners herein. Thereafter, it is stated that co-accused Sheru sent the petitioners out of room and established physical relations with her



forcibly. Even thereafter, she was not permitted to go home. Subsequently the three accused persons including the two petitioners herein left her near the Trimurti Mandir.

It is submitted by learned counsel for the petitioners that the allegations as leveled in the FIR are false and incorrect. From perusal of the FIR together with the statement of the victim under section 164 Cr.P.C it would transpire that the main allegation is against co-accused Sheru and not the petitioners herein. The petitioners are in custody since 10.11.2020 and have no criminal antecedent.

The application for bail is opposed by learned APP for the State who submits that the allegations against all the accused persons including the two petitioners herein is of having committed rape on the minor informant.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the court is not inclined to enlarge the petitioners on bail and the application is rejected.

In the facts of the case, the petitioners will be at liberty to renew their prayer for bail on completing one year in custody.

(Partha Sarthy, J)

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