

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2057 of 2022

Arising Out of PS. Case No.-14 Year-2020 Thana- MAHILA P.S. District- Muzaffarpur

RAJ KUMAR CHOUDHARY @ RAJA BABU Son of Sahdeo Choudhary
Resident of Village - Barji Dih, P.s.- Motipur, Distt.- Muzaffarpur, Presently
Resident at Mohlla- Andi Gola, Renter in the house of Shushil Kumar , P.s.-
Town, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.C.Verma, Sr.Adv. Mr.Hari Kishore Thakur,Adv.
For the Opposite Party/s :		Mr.Bhanu Pratap Singh,APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 26-04-2022 Heard learned counsel for the parties.

The petitioner seeks bail in a case registered for the offence under Sections 376(3), 323, 341 of the Indian Penal Code and Section 4 of the POCSO Act.

As per the prosecution case, this petitioner has committed rape with the victim girl and when she tried to raise alarm, she was assaulted and threatened not to disclose about the occurrence to anyone, otherwise she would be killed.

It is submitted on behalf of petitioner that doctor has not found any sign of rape and assessed the age of victim between 17 to 18 years and as such, no case under the POCSO Act is made out against this petitioner. Petitioner is in custody since 12.06.2021.



However, learned A.P.P. for the State opposed the bail petition and submitted that the victim girl in her statement recorded under Section 164 Cr.P.C. has specifically stated that this petitioner has committed sexual assault.

Considering the nature of accusation and statement of the victim recorded under Section 164 Cr.P.C., I am not inclined to grant bail to the petitioner and same is, accordingly, rejected.

(Prabhat Kumar Singh, J)

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