

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3958 of 2022

Arising Out of PS. Case No.-227 Year-2021 Thana- KASBA District- Purnia

Vikash Kumar Son of Sanatan Mandal @ Sona Mandal @ Shantau Mandal
R/O Village- Radhanagar, P.S.- Kasba, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.N.K. Agrawal, Sr. Advocate Dr. Bidhu Ranjan, Advocate Mr. Kumar Rajdeep, Advocate
For the Opposite Party/s	:	Mr.Tapeshwar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 07-12-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Kasba P.S. Case No. 227 of 2021 registered for
the alleged offences under Section 376 of the Indian Penal Code
and Section 4 of the POCSO Act.

As per prosecution case, the petitioner entered into the
house of the informant and forcibly took away the minor
daughter of the informant in the backyard of his house and
committed rape with her.

The learned senior counsel for the petitioner submits



that the petitioner is innocent and has been falsely implicated in this case. The prosecution story is not believable and it shows that the victim girl was a consenting party. There was love-affair between the victim girl and the petitioner. The victim was medically examined and her age was assessed to be 16-18 years and doctor has not found any sexual assault on the victim and medical report does not support the allegation of any rape. The petitioner is aged about 19 years. Learned senior counsel further submits that the manner in which occurrence took place shows the doubtful nature of the allegation. If the victim was being taken out, she could have raised alarm but no such act has been made on her part. The petitioner is in custody since 26.09.2021 and charge-sheet has been submitted. The petitioner has got no criminal antecedent.

Learned APP opposes the prayer for bail submitting that the allegation against the petitioner is very specific and the allegation was supported by the victim girl in her statement under Section 161 as well as 164 Cr.P.C.. The witnesses who were examined during investigation also supported the prosecution case.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the



nature of allegation which I think is quite serious, I am not inclined to enlarge the petitioner on bail.

Hence, the prayer for bail is rejected.

However, the trial court is directed to expedite the trial and conclude the same at the earliest.

(Arun Kumar Jha, J)

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