

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9043 of 2022

Arising Out of PS. Case No.-28 Year-2021 Thana- MAHILA PS District- Buxar

NITISH KUMAR S/O JAY PRAKASH CHOUDHARY R/o village- Bali,
P.S.- Nawanagar, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhat Kumar Singh
For the Opposite Party/s : Mr.Binod Kumar
Mr.Arun Kumar Gupta

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 17-05-2022 Heard learned counsel for the parties.

The petitioner seeks bail in a case registered for the offence under Section 376 of the Indian Penal Code and Section 4 / 6 of the POCSO Act.

As per the prosecution case, this petitioner is alleged to have committed rape with the minor daughter of the informant.

It is submitted on behalf of petitioner that due to land dispute between the parties, petitioner has been falsely implicated in this case. It is further submitted that the alleged date of occurrence is 27.03.2021, but F.I.R. has been lodged on 01.04.2021 and there is no explanation of delay. Petitioner claims clean antecedent and he is in custody since 14.07.2021.



However, learned counsel for the informant vehemently opposed the bail petition and submitted that the victim is minor and in her statement recorded under Section 164 Cr.P.C., she has supported the prosecution case and uptillnow, 12 witnesses have already been examined and only 3 witnesses are to be examined.

Considering the nature of accusation and progress of the trial, I am not inclined to grant bail to the petitioner and same is, accordingly, rejected.

(Prabhat Kumar Singh, J)

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