

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18837 of 2022

Arising Out of PS. Case No.-149 Year-2022 Thana- BARHARA District- Bhojpur

Vikash Kumar, Son Of Manoj Rai R/O Village- Kolahrampur, P.S.- Barhara,
District- Bhojpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gopal Krishna

For the Opposite Party/s : Mr.Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 08-08-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Barhara
P.S. Case No. 149 of 2022, registered for the offences
punishable under Sections 376(III) of the Indian Penal Code
as well as Section 4/6 of POCSO Act.

As per allegation, when the family members of the
informant had gone to attend a marriage ceremony, the
petitioner entered into her house through window and
ravished her. Allegation of assault is also there.

The learned counsel for the petitioner submits that
the petitioner is innocent and has falsely been implicated in



this case. He further submits that the petitioner is next door neighbour and because of previous enmity, this false case has been lodged against him. He also submits that though the case is registered under Section 376(III) IPC, the same is not applicable in the present facts and circumstances. He further submits that two younger sisters of the victim girl were present at the alleged place of occurrence but they have not been examined by the police.

The petitioner has been languishing in jail since 24.02.2022.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 of the petition that the petitioner has no criminal antecedent.

However, the learned counsel for the informant as well as learned APP for the State vehemently opposes the prayer for bail. They admit that Section 376(III) is not applicable and police has mentioned this Section wrongly, but as per the complaint there is allegation of ravishment and Section



376 IPC is applicable. He further submits that statement of the victim has been recorded under Section 164 Cr.P.C., in which she has given details of the offence committed upon her. He further submits that charge-sheet has been submitted by the police after finding sufficient materials against the petitioner.

Considering the alleged offence being serious in nature and the statement of the victim girl recorded under Section 164 Cr. P.C., I am persuaded to enlarge the petitioner on bail at this stage.

The prayer for bail is rejected.

The petition stands dismissed accordingly.

(Jitendra Kumar, J)

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