

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23944 of 2022

Arising Out of PS. Case No.-25 Year-2022 Thana- BARURAJ District- Muzaffarpur

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Aman Kumar S/o- Ratan Sah @ Ram Ratan Sah R/o Vill - Korigawan, P.S. -
Baruraj, Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Pranav Kumar Adv. With Mr. Rajeev Ranjan No.II, Adv.
For the Opposite Party/s :		Mr. Satyendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 09-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Baruraj P.S. Case No. 25 of 2022 lodged under Section 376 of
the I.P.C. read with Sections 4/6 POCSO Act.

As per the prosecution case, the informant has
disclosed that on 05.02.2022 at about 10.00 PM, she was
returning to her house seeing the Saraswati Puja. In the
meantime, the petitioner kidnapped her putting hand on her
mouth and started doing bad things with her in result, she
become unconscious and when she got conscious, she found her

self with her mother and father.

Learned counsel for the petitioner submits that the statement of the informant/victim has taken place under Section 164 of Cr.P.C. report the Court in which the time, date and the place all were changed. The allegation has made that the petitioner was attempting to do wrong thing with her. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He submits that both informant and petitioner are relatives and land dispute going on between both the family. The said Panchayati is annexed in Annexure-4. Learned counsel for the petitioner submits that from the medical report which is Annexure-3 is also not supporting the allegation which has made in the F.I.R. and statement 164 examination. Learned counsel for the petitioner submits that petitioner is in custody since 06.02.2022 having clean antecedent. Upon specific query whether charge has been framed or not, learned counsel submits that charge has not been framed till date.

Learned counsel for the State opposes the prayer for bail and submits that allegation of attempt of rape is there. The informant is minor and the medical examination of the victim found that her hymen partially ruptured.

In the present facts and circumstances of this case and

the submissions made above, I am not inclined to grant bail to the petitioner at present but he may renew his prayer for bail 4 months after date of framing of charge.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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