

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26889 of 2022

Arising Out of PS. Case No.-34 Year-2022 Thana- SONBERSA District- Sitamarhi

Manish Kumar Son of Ram Ekwah Sah @ Ramaekabal Sah, Resident of
Village - Bhutahi, P.S.- Sonbarsa, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mahendra Thakur, Adv. Mr. Sanjay Kumar, Adv.
For the Opposite Party/s	:	Mr. Ramchandra Sahni, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 29-09-2022 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
Sonbarsa P.S. Case No. 34 of 2022, lodged under Section
376(DA) of the Indian Penal Code read with Section 4/6 of
POCSO Act.

As per prosecution case, the allegation of rape of
daughter of informant was alleged to be made against one
named and other unknown persons and then the F.I.R was
lodged.

Learned counsel for the petitioner submits that

petitioner is innocent and has committed no offence. He further submits that the petitioner and victim belongs to same village, even then his name was not disclosed by the victim or by father of victim in the F.I.R. He further submits that in the case diary the statement of victim recorded under Section 161 Cr.P.C. is there, in which she has disclosed that two persons had raped and also in the statement recorded under Section 164 Cr.P.C. she has not disclosed the name of present petitioner, rather she disclosed the name of only one accused and repeated the version of F.I.R. Learned counsel for the petitioner further submits that in the medical report, the age of victim was ascertain between 17 to 19 years. He further submits that name of petitioner has figured in this case by virtue of confessional statement of co-accused namely Sunil Mukhiya and name of Sunil Mukhiya has figured in this case by the victim in the F.I.R. and in the statement recorded under Section 164 Cr.P.C. Learned counsel for the petitioner further submits that petitioner is in custody since 28.03.2022 and the antecedent of petitioner is clean.

Learned counsel for the State opposes the prayer for bail and submits that in the F.I.R. and in the statement recorded under Section 164 Cr.P.C. the victim has consistently stated the name of Sunil Mukhiya and others about whom she narrated

that she do not know the name of them as well as in the statement recorded under Section 164 Cr.P.C. she disclosed that accused persons are resident of same village. Learned counsel for the state further submits that involvement of present petitioner cannot be ruled out as Sunil Mukhiya and Manish Kumar both are resident of same village in which the victim use to reside.

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 this stage, but liberty is hereby granted to the petitioner that he may renew his prayer for bail after one year of framing of charge.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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