

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.51822 of 2021**

Arising Out of PS. Case No.-16 Year-2021 Thana- MAHILA PS District- Gaya

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DIPU KUMAR @ DIPU PASWAN Son of Khalashi Paswan Resident of  
Village- Manarsa, P.S.- Tekari, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Ashok Kumar

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

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA  
ORAL ORDER**

2      08-02-2022                      Heard learned counsel for the petitioner and  
  
learned APP for the State through video conferencing.

The petitioner seeks bail in connection with Gaya  
Sadar Mahila P. S. Case No.16 of 2021, POCSO Case  
No.66 of 2021, instituted for the offences under Sections  
376(D), 376(AB) of the Indian Penal Code and Section 6 of  
the POCSO Act.

The learned counsel for the petitioner submits that  
the petitioner is in custody since 15.05.2021, he is a person  
with clean antecedent and charge-sheet has been submitted  
in the case.

The learned counsel for the petitioner submits that  
the informant alleges that three named accused persons



came in the house of the informant and Mahavir raped the minor aged about 10 years while Mukesh assisted in rape and petitioner was guarding the door.

The learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case and even presuming what has been alleged against him is true then he had not participated in the occurrence and alleged to have been at the door guarding the occurrence. Learned counsel further submits that even the injury report does not corroborate the factum of rape and the statement of the victim made in her statement under Section 164 of the Cr.P.C. is at variance with the allegation as alleged in the F.I.R.

The learned A.P.P. for the State opposes the bail application and submits that it is true that petitioner has not been alleged to have committed rape.

At this stage, the learned counsel for the petitioner seeks permission to withdraw the present bail application with a liberty to the petitioner to renew his prayer for bail after framing of charge.

Permission is accorded.



Accordingly, instant petition is dismissed as  
withdrawn with the liberty aforesaid.

**(Satyavrat Verma, J)**

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