

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52446 of 2021**

Arising Out of PS. Case No.-534 Year-2020 Thana- BARACHATTI District- Gaya

Manish Kumar Son Of Suresh Mahto R/O Village- Jhanakpur, P.S.- Barachatti
(MOHANPUR), Dist.- Gaya

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Jee Mishra
For the Opposite Party/s : Mr. Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 04-04-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in a case registered for the offences punishable under Sections 376(d), 354(d), 506, 34 of the Indian Penal Code and Section 6 of POCSO Act and Section 3(i)(r)(w), 3(2)(V) of SC/ST Act.

According to prosecution case, on 26.08.2020 when the victim went to attend the call of nature, co-accused, Beni Kumar, Manish Kumar and Praveen Kumar caught her and forcefully took her to an isolated place and on the gun point committed rape. It is further alleged that this petitioner made the



video of the incident viral and posted it on social media.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case only on the basis of suspicion. He further submits that the informant and other witnesses also not supported the case of the prosecution. The petitioner is in custody since 02.09.2020.

Vide order dated 06.01.2022 a report was called for with regard to the present stage of trial. Report reveals that out of nine witnesses four witnesses have been examined including victim as well as medical officer.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the statement of the victim girl was recorded under Section 164 Cr.P.C. in which she categorically disclosed the name of the petitioner and stated that the petitioner has committed rape upon her and the medical report of victim also corroborate of the allegation leveled in the F.I.R.

Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with Barachatti (Mohanpur) P.S. Case No. 354 of 2020 pending in the court of learned Excl. Special Judge (POCSO Act), Gaya-cum-ADJ-VII,



Gaya.

Prayer is refused.

However, the learned Trial Court is directed to expedite the trial.

(Rajesh Kumar Verma, J)

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