

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55146 of 2021

Arising Out of PS. Case No.-332 Year-2021 Thana- KOILWAR District- Bhojpur

Vikki Kumar Ram Son Of Late Alakh Ram Resident Of Village- Chandpura,
P.S.- Koilwar, District- Bhojpur, Ara.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shankar Kumar

For the Opposite Party/s : Mr. Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 22-03-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with Koilwar
P. S. Case No.332 of 2021, instituted for the offences under
Section 376(3) of the Indian Penal Code and Section 4 of the
POCSO Act.

The learned counsel for the petitioner submits that the
petitioner is in custody since 21.07.2021, he is a person with
clean antecedent and charge-sheet has been submitted in the
case.

The learned counsel for the petitioner submits that
informant, a minor aged about 15 years, alleges that she had
gone for some work near the dam (baandh), when the petitioner
finding her alone took her to the bush and raped her.



The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case, the F.I.R. is dated 20.07.2021 and the medical examination of the victim was done on 21.07.2021 which completely negates rape.

The learned A.P.P. for the State opposed the bail application and submitted that the victim in her statement under Section 164 of the Cr.P.C. supported the prosecution case and further, the injury report records that the hymen of the victim was found ruptured.

The learned counsel for the petitioner rebutted the said submission of the learned A.P.P. submitting that from perusal of the injury report, it would manifest that though it records that the hymen was ruptured, but the same also records that it was an old one, as such, the medical report does not corroborate the allegation of rape as alleged in the F.I.R.. The victim was directed to be added as opposite party by order dated 21.02.2022 and notices were issued. The office report records that the notice has been served, but the victim has not appeared before this Court through her guardians.

At this stage, the learned counsel for the petitioner seeks permission to withdraw the 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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