

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36146 of 2021

Arising Out of PS. Case No.-38 Year-2020 Thana- MAHILA PS District- Jehanabad

Saurav Kumar Son of Late Rajeshwar Singh Resident of Village -
Bhawanichak, P.S.- Kalpa O.P., District - Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 58213 of 2021

Arising Out of PS. Case No.-38 Year-2020 Thana- MAHILA PS District- Jehanabad

Vikash Kewat @ Jodhi S/o Shivdyal Kewat R/o village- Bhawanichak, P.S.-
Jehanabad (Kalpa), District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 36146 of 2021)

For the Petitioner/s : Mr.Satish Chandra

For the Opposite Party/s : Mr.Renuka Ratnakar

(In CRIMINAL MISCELLANEOUS No. 58213 of 2021)

For the Petitioner/s : Mr.Sumit Kumar

For the Opposite Party/s : Mr.Rajendra Singh

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 16-02-2022 Heard learned counsel for the petitioners and learned

Additional Public Prosecutor for the State in Virtual Court

proceeding.

Let the defects, as pointed out by the office, be

removed within four weeks of start of normal functioning of the

physical court.

Petitioners seek bail in connection with Special

POCSO Case No. 41 of 2020 arising out of Jehanabad Mahila

P.S. Case No. 38 of 2020 registered for the offences punishable



under Sections 342, 506, 354(B), 354(c), 376(D), 384/34 of the Indian Penal Code and Section 4/6 of POCSO Act.

According to prosecution case, as per the statement of the informant that the grand daughter of the informant was staying in his house for study and his neighbor Ashok Singh informed the informant that he has seen his grand daughter coming out from the house of Saurav and when the informant inquired from his grand daughter (victim) then she informed him that in the month of August 2020 Ankit Kumar talked her and called her in the house of Saurav and took her photograph along with him. She further informed that he again called her in the house of Saurav and committed rape with her and also threatened to make the photo viral and also to kill her if she does not come on call tomorrow. It is further alleged that on 29.10.2020 the victim went to the house of Saurav Kumar where Vikas Kewat @ Jodhi, Vikash Kumar @ Karu and Abhinash Kumar committed gang rape with the victim.

Learned counsel for the petitioners submits that petitioners have clean antecedent and have committed no offence and they have falsely been implicated in the present case. He further submits that there is no allegation of committing rape against the petitioners. He further submits that



as per F.I.R. the date of occurrence is 29.10.2020 but the present F.I.R. has been instituted by the informant on 01.11.2020 after delay of two days. It is further submitted that the police after investigation submitted the charge sheet against the petitioner. The petitioner no.1 is in custody since 23.12.2020 and petitioner no.2 is in custody since 02.11.2020.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail but fairly submits that there is direct allegation against the petitioners that they have committed rape and the victim girl also supported in her statement recorded under Section 164 Cr.P.C.

Considering the aforesaid facts and circumstances, I am not inclined to grant the privilege of bail to the petitioners and accordingly, the same stands rejected.

However, learned trial court is directed to expedite the trial.

(Rajesh Kumar Verma, J)

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