

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.60069 of 2021**

Arising Out of PS. Case No.-76 Year-2021 Thana- DHANARUA District- Patna

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KAMLESH KUMAR Son of Jawahar Saw R/O Village - Barni Bazar, P.S.-  
Dhanarua, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate  
For the Opposite Party/s : Mr. Amitesh Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

3      18-04-2022                      Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 376 and 379 of the Indian Penal Code and sections 7 and 8 of the POCSO Act.

As per the prosecution case, the petitioner is said to have committed rape on the minor informant.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. From the materials brought on record including the communication/chatting between the parties as also the photograph, it is submitted that it was a case of love affair. On the petitioner not agreeing for marriage immediately, he has been falsely implicated in the case. Neither any injury was



found on the body of the informant nor any spermatozoa was found in the medical examination. The doctor's report does not substantiate the allegations. The petitioner is in custody since 24.3.2021 and has no criminal antecedent.

The application for bail is opposed by learned APP for the State who submits that the allegations have been supported by the witnesses in course of investigation and the victim has been found to be a minor in the medical examination, her age having been estimated to be between 17 to 18 years.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the nature of allegation together with the victim being below 18 years of age, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

The observations made herein is only for the purpose of bail and none of the observations made herein will be taken by either of the side in course of trial.

**(Partha Sarthy, J)**

Prakash/-

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