

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.58984 of 2021**

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

Praveen Kumar @ Arvind Kumar S/o Vijay Mahto Resident of Village-  
Jhankapur, P.S.-Mohanpur, District- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate.

For the Opposite Party/s : Mr. Usha Kumari 1, APP.

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

4      26-09-2022      Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Krishna Prasad Singh learned Senior counsel for the petitioner and Ms. Usha Kumari 1, learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with POCSO Case No. 97 of 2020, arising out of Barachatti (Mohanpur) P. S. Case No. 534 of 2020 for the offences punishable under Sections 376 (D), 354(D) and 506/34 of the Indian Penal Code, Section 6 of the POCSO Act and Section 3(1)(r)(w), 3(2)(v) of the Schedule Caste and the Schedule Tribes (Prevention of Atrocities) Act.

As per prosecution case, it is alleged that on



26.08.2022 at about 7 O'clock in the evening, when the informant-cum-minor victim went to attend call of nature, in the meantime three accused persons including the petitioner caught her and forcibly took her to an isolated place at Gun point and all of them committed rape upon her and they also made video clipping and posted the same on social media.

It is submitted by the learned senior counsel appearing on behalf of the petitioner that the petitioner and victim are neighbour and co-villagers and there is past enmity between them, which is the genesis of the false implication of the petitioner. He further submitted that the occurrence is said to have take place on 26.08.2020, whereas the present FIR was instituted on 01.09.2020, after a delay of five day, without giving any explanation. He also submitted that even during the course of medical examination, no sign of recent sexual assault was found and moreover, the petitioner having fair antecedent, is in custody since 02.09.2020

On the other hand learned APP for the State vehemently opposed the bail application and submitted that specific allegation has been levelled against the petitioner and other co-accused persons that they have committed rape upon the victim, apart from making video of this incidence and posted



it on social media and there cannot be a gruesome crime than the present crime, that a minor girl was subjected to rape by three persons and video clipping itself suggested the complicity of the petitioner.

On the last occasion, a report with regard to the stage of the trial was called for and from the report it appears that out of eight prosecution witnesses five witnesses have already been examined and all of them have supported the prosecution case.

Regard being had to the submissions made on behalf of the parties and considering the specific nature of acquisition and the gravity of the offence, apart from the stage of trial, this court is not persuaded to enlarge the petitioner on bail.

Accordingly, the prayer for bail stands rejected and the present application stands dismissed.

**(Harish Kumar, J)**

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