

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4779 of 2023

Arising Out of PS. Case No.-455 Year-2021 Thana- BARH District- Patna

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RITESH KUMAR Son of Krishna Paswan Resident of Village - Balwa, Post -
Shahri, P.S.- Ghoswari, Barh, District - Patna (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Apurva Kumar, Advocate

For the Opposite Party/s : Mr. Dinesh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
06.11.2021 in connection with Special Case No. 157 of 2021
arising out of Barh P.S. Case No. 455 of 2021, F.I.R. dated
05.11.2021 registered for the offences punishable under
Section 376 of the Indian Penal Code, Section 60 of the POCSO
Act.

Allegation against the petitioner is that he took the
victim, who is a minor, to a room on the pretext of seeing remote
and physically assaulted her and forcefully tried to establish
physical relationship with her. It is further alleged that the
accused petitioner threatened the victim to not disclose
regarding the occurrence to anyone.



Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R.

Learned APP for the State, on the other hand, on the basis of material available on record and the case diary, vehemently opposed the prayer for bail of the petitioner, submits that the statement of the victim girl was recorded under Section 164 of the Cr. P.C. in which she has categorically stated that the petitioner has tried to commit rape upon her.

Vide order dated 28.04.2023, a report was called for with regard to the stage of the trial. Report dated 11.05.2023 of the learned Trial court reveals that the victim and the doctor have already been examined and the learned Court below also sent the deposition of the victim and the doctor which suggests that the allegation as alleged in the F.I.R. is true and at the time of occurrence the victim was minor.

Considering the aforesaid facts and in view of the report of the learned Trial court, I am not inclined to enlarge the petitioner on bail in connection with Special Case No. 157 of 2021 arising out of Barh P.S. Case No. 455 of 2021 pending in



the Court of learned Additional Sessions Judge-VIth-cum-Special Judge (POCSO), Patna (Special Case No. 157 of 2021).

Prayer is refused.

However, the learned Trial court is directed to expedite the trial and conclude the same at the earliest.

(Rajesh Kumar Verma, J)

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