

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13044 of 2023

Arising Out of PS. Case No.-37 Year-2022 Thana- BIRUPUR District- Lakhisarai

Nitesh Kumar @ Fulwa @ Phulba Son Of Ravindra Jha R/O Vill.- Birupur,
P.S.- Birupur, Distt.- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajnish Chandra

For the Opposite Party/s : Mr. Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 10-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in connection with
Birupur P.S. Case No. 37 of 2022 instituted for the offence
under Section 376(AB) of the Indian Penal Code and Section
4/6 of the POCSO Act.

As per allegation in the FIR, the informant alleged on
5.10.2022 the accused petitioner committed rape with minor
daughter of the informant, aged about 8 years. Thereafter, the
present case has been lodged.

Learned counsel for the petitioner submits that the
petitioner is innocent and committed no offence. He has falsely
been implicated in this case due to dirty village politics. A
statement has been made in para-3 of the petition that the



petitioner has got no criminal antecedent. It is further submitted that the petitioner is languishing in judicial custody since 6.10.2022.

Learned APP appearing for the state has opposed the prayer of regular bail and submitted that the informant has made direct allegation against the petitioner is of committing rape with her daughter and the medical report of the victim supported the prosecution case. It is further submitted that the statement of victim has been recorded u/s 164 of the Cr.P.C., wherein she also supported the allegation and stated that the petitioner took her forcibly and committed wrong with her. The victim girl is minor, aged about 8 years.

Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

The trial Court is directed to expedite the trial and conclude the same as soon as possible.

(Sunil Kumar Panwar, J)

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