

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11503 of 2023

Arising Out of PS. Case No.-176 Year-2021 Thana- DALSINGHSARAI District- Samastipur

Ashish Kumar Soni S/O Siyawaran Saran Prasad R/O Mohalla- Bhagwanpur
Chaksekhu, Ward No. 06, Main Bazar Near Obc Bank, P.S.- Dalsinghsarai,
District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Samarjeet Singh

For the Opposite Party/s : Mr.Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

6 12-09-2023 Heard learned counsel for the petitioner,

informant and learned A.P.P appearing on behalf of the

State.

The petitioner is languishing in custody in a

case registered for the offences punishable under

Sections 376(D), 504/34 of the Indian Penal Code,

Sections 4, 6, 17 of the POCSO Act and Sections 3(2)

(va), 3(1)(r), 3(1)(s) of the SC/ST (Prevention of

Atrocities) Act.

It is a case of commission of kidnapping and

rape to the minor daughter of the informant.



It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. For the alleged occurrence of 01.05.2021, the F.I.R was registered on 02.07.2021 without explaining the delay. The victim was in love with the son of co-accused Ashok Rai and both have married and leading a happy conjugal life. There is no eye witness to the occurrence. The doctor has found the age of the victim between 17-18 years and no sign of recent sexual assault was found. The petitioner is languishing in custody since 05.11.2022.

In contra, learned counsel appearing on behalf of the informant and learned A.P.P appearing on behalf of the State have vehemently opposed the prayer for bail of the petitioner and submitted that the specific allegation against the petitioner that he along with other accused persons have abducted the victim committed rape upon her and committed the same for more than two months. The victim in her 164 Cr.P.C statement has



also specifically alleged against the petitioner that he along with other accused persons have forcefully committed rape upon her and continued the same for more than two months.

Considering the fact that victim has specifically alleged against the petitioner that he along with other accused persons have committed rape upon her, this Court is not inclined to grant bail to the petitioner.

The prayer for grant of bail to the petitioner stands rejected.

The Trial Court is directed to expedite the trial and conclude the same at the earliest.

(Sunil Kumar Panwar, J)

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