

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12116 of 2023

Arising Out of PS. Case No.-273 Year-2022 Thana- BARHARA KOTHI District- Purnia

Birendra Soren @ Babu Soren Son of Sri Bhola Soren Resident of village -
Bishanpur, P.S.- Dhamdaha, District - Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 24-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since 12.07.2022, in connection with Special (POCSO) P.S. Case No. 93 of 2022, arising out of Barhara P.S. Case No. 273 of 2022, F.I.R. dated 26.06.2022 registered for the offences punishable under Sections 363, 366(A) and 34 of the Indian Penal Code.

The prosecution case, in brief, is that on 25.06.2022 at about 08:30 A.M. the petitioner is alleged to have kidnapped the minor daughter of the informant aged about 14 years.

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 and 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 committed rape upon her and the medical report of the victim also supports the allegation as alleged in the F.I.R. and at the time of medical examination the victim was pregnant and her age was assessed between 17 to 18 years but the date of birth as mentioned in the School Register of the victim is 01.01.2006.

Considering the aforesaid facts that there is direct allegation against the petitioner, I am not inclined to enlarge the petitioner on bail in connection with Special (POCSO) Case No. 93 of 2022 arising out of Barhara P.S. Case No. 273 of 2022 pending in the Court of 7th Additional Sessions Judge-cum-Special Judge (POCSO), Purnea.

Prayer is refused.

(Rajesh Kumar Verma, J)

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