

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10319 of 2023

Arising Out of PS. Case No.-319 Year-2022 Thana- KEWATI District- Darbhanga

Kanhaiya @ Kanhaiya Lal Thakur Son of Chandeshwar Thakur Resident of
Village- Chhotaipatti Thikagharari, P.S.- Darbhanga Sadar, District-
Darbhanga Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jagdish Prasad Singh, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 24-06-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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

Petitioner seeks bail who is in custody since
18.09.2022 in connection with Keoti P.S. Case No. 319 of 2022,
F.I.R. dated 16.09.2022 for the offences punishable under
Section 376 of the Indian Penal Code and 4/6 of POCSO Act.

According to prosecution case, the petitioner has
committed rape upon the daughter of the informant during the
time when she went village fair at Badhsamaila.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that the
occurrence took place on 14.09.2022 but the present F.I.R. has



been instituted on 16.09.2022 i.e. after delay of 2 days without giving any explanation of the said delay. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R and the medical report also does not support the allegation leveled against the petitioner.

The learned Additional Public Prosecutor on the basis of material available on record as well as case diary has vehemently opposed the prayer for bail of the petitioner and submits that the statement of the victim was recorded under Section 164 of the Cr.P.C. in which she has categorically stated that the petitioner has committed rape upon her on 14.09.2022. He further submits that with respect to medical report of the victim is concerned, the same was conducted on 17.09.2022 therefore, the doctor was unable to find anything.

Considering the facts and circumstances, I am not inclined to enlarge the petitioner on bail in connection with Keoti P.S. Case No. 319 of 2022 pending in the court of learned Special Judge POCSO Act, Darbhanga.

Prayer is refused.

(Rajesh Kumar Verma, J)

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