

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14947 of 2023

Arising Out of PS. Case No.-141 Year-2022 Thana- MEHANDIGANJ District- Patna

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KAMLESH KUMAR KAMAL S/O SUBASH PRASAD @ SUBHASH
CHOUDHARI Resident of Village- Hardas Bigha (Posia Tola), P.S.-
Khusrupur, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kanchan Kumari, Adv.
For the Opposite Party/s : Mr.Md. Aslam Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-06-2023 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in connection with
Mehandiganj P.S. Case No. 141 of 2022 registered for the
offence under Sections 363 and 365 of the Indian Penal
Code. Later on Section 376 of the Indian Penal Code and
Section 4, 6 POCSO Act.

The minor daughter of the informant is alleged to
have been found traceless.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case. He
further submits that the allegation as alleged in the F.I.R. is



false and fabricated and the petitioner has not been named in the F.I.R., however, his name transpired in this case during course of investigation on the basis of statement of the victim which was recorded under Section 164 Cr.P.C. He further submits that the petitioner is a tenant of the informant and due to rent dispute, he has falsely been implicated in this case. The petitioner is rotting in judicial custody since 19.09.2022.

Learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner and submits that the victim in her statement categorically stated that the petitioner has established forceful physical relation with the victim, who is minor.

Considering the facts and circumstances of the case, nature of offence and also the age of the victim, this Court is not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of this petitioner is rejected.

(Rajesh Kumar Verma, J)

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