

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18989 of 2023

Arising Out of PS. Case No.-422 Year-2022 Thana- KESARIA District- East Champaran

Golu Kumar Son Of Munna Singh R/O Village- Dharopali, P.O. And P.S.-
Sahebganj, District- Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pravin Kumar, Advocate

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 04-07-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since 12.11.2022 in connection with Kesariya P.S. Case No. 422 of 2022, F.I.R. dated 23.08.2022 registered for the offence punishable under Sections 363 and 365 of the Indian Penal Code and Section 8 of the POCSO Act.

The FIR of the occurrence of kidnapping is against unknown.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. Further submits that the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR.



Further submits that the date of occurrence as alleged in the FIR is 18.08.2022 but the present FIR has been instituted on 23.08.2022 after delay of five days without giving any explanation of delay.

Learned APP for the State, on the basis of the material available on the record and in the case diary, has vehemently opposed the prayer for bail of the petitioner and submits that the victim was recovered and her statement under Section 164 Cr.P.C. was recorded in which she has categorically stated that the petitioner has committed rape twice upon her and the Medical Board has assessed the age of the victim as 17-18 years.

Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with Kesariya P.S. Case No. 422 of 2022 pending in the court of learned Additional District and Sessions Judge-VII-cum-Special Judge, POCSO Act, East Champaran, Motihari.

Prayer is refused.

(Rajesh Kumar Verma, J)

Nitesh/-

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