

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19009 of 2023

Arising Out of PS. Case No.-13 Year-2023 Thana- TURKAULIYA District- East Champaran

Mithun Kumar Son of Biroj Paswan Resident of Village - Dhangaraha, Ward
No.- 1, P.S. - Dumariaghat, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :

Mr. Karandeep Kumar, Advocate

For the Opposite Party/s :

Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 16-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. 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.

3. Petitioner seeks bail who is in custody since
05.01.2023 in connection with Turkauliya P.S. Case No. 13 of
2023, F.I.R. dated 04.01.2023 for the offences punishable under
Sections 363 and 366(A) of the Indian Penal Code and Sections
6 and 8 of the POCSO Act.

4. According to prosecution case, this petitioner took
away the minor daughter of the informant with intention to
marry her and committed rape upon her.

5. 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
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. He further submits that the statement of the victim was recorded under Section 164 of the Cr.P.C. and her medical examination was also conducted which suggests that the victim is not minor, so no case is made out under the POCSO Act.

6. The learned Additional Public Prosecutor 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 and the allegation as alleged in 164 statement of the victim is also confirmed by the medical report and as far as the age of the victim is concerned the date of birth as mentioned in the school certificate is 07.04.2005 which suggests that the victim was minor at the time of occurrence.

7. Considering the aforesaid facts and circumstances, I am not inclined to enlarge the petitioner on bail in connection with Turkauliya P.S. Case No. 13 of 2023 pending in the court of learned 6th Additional Sessions Judge cum Special Judge, POCSO, Motihari, East Champaran.

8. Prayer is refused.

(Rajesh Kumar Verma, J)

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