

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.21519 of 2023**

Arising Out of PS. Case No.-418 Year-2022 Thana- BHORE District- Gopalganj

=====

SANDEEP SAH SON OF MAINEJAR SAH RESIDENT OF VILLAGE -  
PIYARAUTA, P.S. - BHORE, DISTT. - GOPALGANJ

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Amit Kumar Rakesh, Adv.

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

=====

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      13-07-2023                      1. Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since  
30.08.2022 in connection with Bhore P.S. Case No.418/2022,  
dated 27.08.2022, for the offences punishable under Sections  
376 DA of the IPC & Sections 4/6 of POCSO Act.

3. According to prosecution case, the petitioner along  
with other co-accused persons are alleged to have committed  
rape upon the informant one by one.

4. Learned counsel for the petitioner submits that the  
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 offence as alleged in the F.I.R.



He further submits that the alleged date of occurrence is 24.05.2022 but the present F.I.R. has been instituted on 27.08.2022, after lapse of three days and the allegation as alleged in the F.I.R. is not supported by the medical evidence.

5. Learned Additional Public Prosecutor 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 of the petitioner and submits that the statement of the victim was recorded under Section 164 Cr.P.C., in which, she has categorically stated that the petitioner and other co-accused persons have committed rape upon her and the medical report also supports the allegation as alleged in the F.I.R.

6. Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with Bhore P.S. Case No.418/2022, pending in the court of learned VIth Additional Sessions Judge-cum-Special Judge, POCSO, Gopalganj.

7. Prayer is refused.

**(Rajesh Kumar Verma, J)**

amit/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

