

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25072 of 2023

Arising Out of PS. Case No.-367 Year-2022 Thana- DANAPUR District- Patna

KRISHAN MOHAN DUBEY S/O EK NATH DUBEY Resident of Village-
Gabraura, P.S.- Lauriya, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Deovind Kumar Singh
For the Opposite Party/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 27-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for regular bail has been filed by the petitioner in connection with Danapur P.S. Case no. 367 of 2022 instituted for the offence punishable under Sections 420, 376 of the Indian Penal Code read with Sections 3(ii)(v) of the SC/ST Act and Section 6 of the POCSO Act.

As per allegation in the FIR, on the assurance of marriage, petitioner had established physical relation with the informant and thereafter petitioner committed rape with her minor daughter after applying vermilion.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. Daughter of the informant and petitioner was in love and both are willing to solemnize marriage. Victim girl is minor



as per her Adhar Card, annexed as Annexure-3. Medical report also does not confirm the allegation of rape. Petitioner has got no criminal antecedent and he is languishing in judicial custody since 11.5.2022.

Learned APP appearing for the State has opposed the prayer of bail and submitted that statement of the victim girl was got recorded under Section 164 Cr.P.C., wherein she has made direct allegation of rape against the petitioner. Victim girl is minor aged about 14 years.

Having heard learned counsel for the parties and taking into consideration that there is direct allegation of committing rape against the petitioner upon the minor girl of the informant, I am not inclined to grant bail to the petitioner and, as such, his application for bail is rejected.

Learned trial court is directed to expedite the trial and conclude the same as soon as possible.

(Sunil Kumar Panwar, J)

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