

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30015 of 2023

Arising Out of PS. Case No.-222 Year-2022 Thana- RAJEPUR District- East Champaran

Suresh Kumar @ Suresh Prasad S/O Munni Lal Prasad R/O Village-
Babujurawan, P.S- Rajepur, Distt.- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh
For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 24-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 354B, 376, 34 of the Indian Penal Code and Section 4, 6, 8 of the POCSO Act.

3. Petitioner is said to have committed rape with the daughter of the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He submits that there is no specific overt act against the petitioner. He submits that there is specific allegation against co-accused Sachin Prasad. He submits that the statement of the victim has been recorded under Section 164 of the Cr.P.C. in which she has not taken the name of the petitioner. He submits



that the Medical Board has found the age of the victim between 17 ½ to 18 ½ years as such, POCSO Act is not attracted against him. He further submits that petitioner has no criminal antecedent as stated in para-3 of this application.

5. Learned APP for the State opposing the prayer for bail submits that the victim girl is minor.

6. Considering the nature of offence, I am not inclined to enlarge the petitioner on bail. Accordingly, his prayer for anticipatory bail is rejected in connection with Rajepur P.S. Case No. 222 of 2022.

7. However, if the petitioner surrenders before the learned court below within a period of six weeks from today and prays for regular bail, the same shall be considered by the learned court below on the same day without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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