

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.28553 of 2023**

Arising Out of PS. Case No.-398 Year-2022 Thana- RAFIGANJ District- Aurangabad

SHASHI KUMAR @ SHASHIKANT KUMAR @ SHASHI KUMAR  
YADAV s/o- Satyendra Yadav Resident of village- Khairi Itwa, P.S. Kasma,  
District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Adv.  
Mr. Bhaskar Shankar, Adv.  
For the Opposite Party/s : Mr. Ramesh Chandra, APP

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

3      26-07-2023                      1. Heard Mr. Krishna Prasad Singh, learned Senior  
counsel for the petitioner and learned Additional Public  
Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since  
29.11.2022 in connection with Rafiganj P.S. Case No. 398/2022,  
dated 08.11.2022, for the offence punishable under Sections  
366A/34 of the IPC.

3. According to prosecution case, the petitioner is  
alleged to have kidnapped the minor daughter of the informant  
and the parents of the petitioner also assisted him in the present  
occurrence.

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.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that the allegation as alleged in the F.I.R. is supported by the statement of the victim, which was recorded under Section 164 Cr.P.C., in which she has categorically stated that the petitioner has committed rape upon her. Apart from that 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 Rafiganj P.S. Case No.398/2022, pending in the Court of learned Additional District and Sessions Judge-cum-Special Exclusive Judge (POCSO), Aurangabad.

7. Prayer is refused.

**(Rajesh Kumar Verma, J)**

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