

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31786 of 2023

Arising Out of PS. Case No.-214 Year-2022 Thana- SIWAIPATTI District- Muzaffarpur

ARVIND KUMAR Son of Manoj Giri Resident of Village- Madheypur, P.S.
Siwaipatti, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahesh Prasad, Advocate

For the Opposite Party/s : Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 23-08-2023

Heard the parties.

The petitioner is in custody in connection with Siwaipatti P.S. Case No. 214 of 2022 for the offence under sections 376, 506 of the Indian Penal Code later on, added section 4/6 of the POCSO Act lodged on 04.11.2022 by the informant, Rabana Khatoon.

As per the prosecution story, the victim girl ,who is minor has alleged that the petitioner entered her home and forcibly raped her against her will and also took several photographs and threatened to make the photo viral, if the same is informed to family members and/or the Police. Accordingly, the FIR.

Learned counsel for the petitioner submits that he is a boy of tendered age, there is delay in lodging of the FIR, in



stereotype manner the FIR has been lodged and he has already suffered by being in custody since 05.11.2022 (as stated in paragraph 9 of the petition).

Learned APP, on the other hand, has brought attention of the Court to the statement made by the victim girl under section 164 of the Cr.P.C. which is part of the case diary (called by a co-ordinate Bench on 05.07.2023) in which she has supported the prosecution story stating that against her will, she was raped and pictures were clicked.

Considering the kind of allegation that has come against the petitioner, for the present, this Court is not inclined to extend him the privilege of bail with conditions, which is accordingly rejected.

The trial Court is directed to expedite the trial.

(Rajiv Roy, J)

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