

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39404 of 2023

Arising Out of PS. Case No.-20 Year-2023 Thana- RUPASPUR District- Patna

Niraj Kumar @ Niraj Kumar Shah Son Of Sandeep Shah @ Sanandi Shah
Resident Of Village- Banshipur, P.S- Bounsi, Distt- Banka, At Present R/O,
Rupaspur Bhatha, P.S- Rupaspur, Distt- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 11.01.2023, in connection with Special Case No. 52 of 2023, arising out of Rupaspur P.S. Case No. 20 of 2023, F.I.R. dated 10.01.2023 registered for the offences punishable under Section 376 of the Indian Penal Code and Sections 06 of the POCSO Act.

3. Allegation against the petitioner is that he has committed rape upon the victim aged about 06 years of age.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely 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 APP for the State, on the other hand, on the basis of material available on record as well as the case diary, vehemently opposed the prayer for bail and submits that the statement of the victim girl was recorded under Section 161 of the Cr. P.C. in paragraph-6 of the case diary in which she has categorically stated that the petitioner has committed wrong upon her and in paragraph-13 of the case diary the petitioner has confessed his guilt in the present occurrence and he has categorically stated that he has committed wrong with the victim.

6. Considering the aforesaid facts that there is direct allegation against the petitioner and the victim was minor only aged about 06 years at the time of occurrence, I am not inclined to enlarge the petitioner on bail in connection with Special Case No. 52 of 2023 arising out of Rupaspur P.S. Case No. 20 of 2023 pending in the Court of Additional District & Sessions Judge, VII-cum-Exclusive Special Court (POCSO), Patna.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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