

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35999 of 2022

Arising Out of PS. Case No.-45 Year-2021 Thana- MAHILA PS District- Gaya

VIKASH PASWAN @ VIKASH KUMAR SON OF SRI VIJAY PASWAN
RESIDENT OF VILLAGE- PATLUKA, P.S.- DHANGAI, DISTRICT-
GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Thakur, Adv. Mrs.Vaishnavi Singh, Adv.
For the Informant	:	Mr.Prithvi Raj Singh, Adv.
For the State	:	Mrs.Anita Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 09-01-2023 Heard the learned counsel for the petitioner and the learned APP for the State, Mrs. Anita Kumari Singh, as also the learned counsel appearing for the informant, Mr. Prithvi Raj Singh.

The petitioner seeks regular bail in connection with Gaya Mahila P.S. Case No. 45 of 2021, registered for the offence punishable under Sections 376(D), 376(DA), 120(B), 506, 509 of the Indian Penal Code and Section 6 of the POCSO Act.

The case of the prosecution, according to the informant, is that on 25.11.2021, four accused persons including the petitioner herein had raped



the informant and had also made a video footage of the said occurrence.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 20.01.2022. The learned counsel for the petitioner has further submitted that the petitioner and the victim girl were having love affair since a long time and the age of the victim girl has been found to be 18-19 years in the medical examination, conducted by the Doctor, hence the petitioner is not having any complicity in the alleged occurrence.

Per contra, the learned counsel for the informant as also the learned APP for the State have vehemently opposed the prayer for bail and have referred to the statement of the victim girl made under Section 164 of the Cr.P.C. before the learned Magistrate to show that the victim girl has corroborated the said incident and has categorically stated that the petitioner had



brutally raped her in the field in question.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials on record as also considering the materials available in the case diary, this Court finds that there are ample materials to connect the petitioner with the alleged heinous crime committed by him, apart from the fact that the minor victim girl, in her statement made under Section 164 Cr.P.C., before the Ld. Magistrate, has also corroborated the fact that the petitioner had raped her, hence, I am not inclined to grant bail to the petitioner herein, thus, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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