

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43590 of 2023

Arising Out of PS. Case No.-81 Year-2023 Thana- BARAULI District- Gopalganj

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Shailesh Kumar S/O Madan Sah R/O Village- Kotawa, P.S. Barauli, Dist.
Gopalganj

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Yogendra Tiwari, Advocate

For the Opposite Party/s : Mr.Md. Mushtaque Alam,APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 28-08-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
24.02.2023 in connection with Barauli P.S. Case No. 81 of
2023, F.I.R. dated 23.02.2023 registered for the offence
punishable under Sections 376(AB) of the Indian Penal Code
and Section 4/6 of POCSO Act.

3. Allegation against the petitioner is that he took the
daughter of the informant to home and raped her.

4. Learned counsel appearing for the petitioner
submits that the petitioner clean antecedent and he has falsely
been implicated in the present case. The allegation as alleged in
the FIR is false and fabricated and the petitioner has not
committed any offence as alleged in the FIR.



5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the statement of the victim under Section 164 Cr.P.C. was recorded in which she has categorically stated that the petitioner has forcefully committed rape upon her and the medical report also supports the allegation as alleged in the FIR and the victim was only aged about 06 years.

6. Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with Barauli P.S. Case No. 81 of 2023 pending in the court of learned Additional Sessions Judge-VI-cum-Special Judge, POCSO, Gopalganj.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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