

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42771 of 2022

Arising Out of PS. Case No.-67 Year-2022 Thana- ROSERA District- Samastipur

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BABLU DAS Son of Tuntun Das Resident of village- Chakki Dhab, P.s-
Rosera, Dist- Samastipur Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhimanyu Sharma, Advocate
For the Opposite Party/s : Mr.Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 25-01-2023 Heard the learned counsel for the petitioner and

the learned APP for the State.

The petitioner seeks regular bail in connection
with Rosera PS case no. 67 of 2022 instituted for the offences
punishable under Section 376 of the Indian Penal Code and
Section 4/6 of the POCSO Act.

The allegation is regarding the petitioner
having raped the informant of this case, who is a minor victim
girl.

The learned counsel for the petitioner submits
that the petitioner is innocent, has been falsely implicated in
the present case, he is having a clean antecedent and is
languishing in custody since 03.03.2022. The learned counsel
for the petitioner has further submitted that the present case
has been filed belatedly, inasmuch as the alleged incident had



taken place on 21.02.2022 at about 4 pm, however, the F.I.R. has been lodged only on 28.02.2022. It is also submitted that the factum of rape is not corroborated by medical evidence.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also having gone through the impugned order dated 26.04.2022, this Court finds that the victim girl has corroborated the incident, in her statement made under Section 164 Cr.P.C., before the learned Magistrate and moreover, ample materials are available on record to suggest the complicity of the petitioner in the heinous crime of rape of the minor victim girl, 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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