

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44092 of 2023

Arising Out of PS. Case No.-83 Year-2019 Thana- BAKHTIYARPUR District- Patna

ABHIMANU KUMAR @ PHONU KUMAR @ PHONU SINGH SON OF
KAMAKHYA SINGH @ KAMAKHYA NARAYAN SINGH RESIDENT OF
VILLAGE- DEDAUR, PS- BAKHTIYARPUR, DISTT- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijaya Laxmi Srivastwa, Adv.

For the Opposite Party/s : Mr.Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 23-08-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Special POSCO Case No. 12 of 2022 arising out of
Bakhtiyarpur P.S. Case No. 83 of 2019 registered for the
offence under Sections 366(A) of the Indian Penal Code.

The petitioner along with his associates are alleged
to have abducted the minor daughter of the informant. It is
also alleged that prior to the present occurrence, the
petitioner has molested the daughter of the informant.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this 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. He further submits that in fact, the petitioner was having lover affairs with the victim. He further submits that the medical report of the victim does not support the allegation of commission of rape upon the victim. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 18.10.2019.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that the victim in her statement recorded under Section 164 Cr.P.C. has categorically stated that the petitioner has committed rape upon her. So far as medical evidence is concerned, it would be pertinent to note that occurrence is of 09.03.2019 whereas the victim has been medically examined on 25.03.2019 almost 15 days after the occurrence, therefore, sign of rape could not be found. However, the doctor has clearly opined that the age of victim is below the 18 years which suggests that the victim was minor at the time of occurrence. He further submits that there is direct allegation



against the petitioner that he has abducted the victim and committed rape upon her. Besides that the petitioner carries two more cases other than the present one.

Considering the facts and circumstances of the case and the rival submission of the parties and nature of allegation as also the age of the victim, this Court is not inclined to grant the privilege of bail to the petitioner. Accordingly, the prayer for bail of this petitioner is rejected.

(Rajesh Kumar Verma, J)

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