

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45619 of 2023

Arising Out of PS. Case No.-28 Year-2023 Thana- MAHILA PS District- Gaya

CHANDAN KUMAR Son of Shravan Bhuiyan @ Shravan Manjhi Resident
of village - Salempur (Salipra), P.s. - Pratappur in the district of Chatra
(Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Anand, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 31-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since
17.04.2023, in connection with Mahila Thana P.S. Case No. 28 of
2023, F.I.R. dated 15.04.2023 registered for the offences
punishable under Sections 376(D), 341, 323, 504, 506, 34 of the
Indian Penal Code and Sections 4/6 of the POCSO Act.

3. Allegation against the petitioner is that he
committed rape upon the victim.

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.



He further submits that from perusal of the F.I.R. it appears that the date of occurrence as alleged in the F.I.R. is 13.04.2023 but the present F.I.R. was instituted on 15.04.2023 after delay of two days without any explanation of delay.

5. Learned APP for the State, on the other hand, vehemently opposed the prayer for bail and submits that the statement of the victim girl was recorded under Section 164 of the Cr. P.C. in which she has categorically stated that the petitioner has committed rape upon her and as per medical report of the victim also suggests that “ *there is some sign and symptoms of recent intercourse present. So, intercourse may be tried recently*”.

6. Considering the aforesaid facts that there is direct allegation against the petitioner, I am not inclined to enlarge the petitioner on bail in connection with Mahila Thana P.S. Case No. 28 of 2023 pending in the Court of Special Judge (POCSO Court), cum-Additional District & Sessions Judge 6th, Gaya.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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