

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44997 of 2022

Arising Out of PS. Case No.-38 Year-2020 Thana- MAHILA PS District- Jehanabad

ABINASH KUMAR SON OF RAM VINAY SINGH @ BHOLA R/O
VILLAGE- BHAWANICHAK, P.S. AND DISTRICT- JEHANABAD
(BIHAR)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar, Advocate

For the Opposite Party/s : Mr.Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 02-02-2023 Heard the learned counsel for the petitioner and
the learned APP for the State.

The petitioner seeks regular bail in connection with Jehanabad Mahila PS case no. 38 of 2020 instituted for the offences punishable under Sections 376(D) and other allied sections of the Indian Penal Code and Section 4/6 of POCSO Act.

The case of the prosecution in brief is that the grand daughter of the informant was staying in his house for the purposes of studies and subsequently, the neighbour of the informant namely Ashok Singh had informed that he had seen his grand daughter coming out from the house of Saurabh, whereafter the informant had inquired from her grand



daughter regarding the same and she had then divulged that in the month of August, 2020, one Ankit Kumar had talked to her and had called her in the house of Saurabh and had taken some photographs with him. Thereafter, she was again called in the house of Saurabh and was raped as also obscene photographs were taken and she was threatened that the same shall be made viral. It is also alleged that on 29.10.2020, the victim girl had gone to the house of said accused person namely Saurabh, where the petitioner and two other co-accused persons had committed gang rape with the grand daughter of the informant and had also made a video clip of the said incident.

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 23.12.2020. The learned counsel for the petitioner has further submitted that the medical report does not corroborate the alleged incident.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail and has submitted by referring to the materials on record as also the impugned order dated 15.07.2022 that the victim girl has supported the



allegation of gang rape committed by the petitioner and others in her statement made under Section 164 Cr.P.C., before the learned Magistrate apart from the fact that the doctor who had examined the victim girl, has found her hymen to be ruptured, thus, it is submitted that the petitioner is accused of having committed heinous offence of gang rape, hence, he is not entitled to any kind of sympathy from this Court.

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 perused the impugned order dated 15.07.2022, this Court finds that the complicity of the petitioner in the alleged occurrence is writ large from the records apart from the fact that the victim girl has also corroborated the alleged incident in her statement made under Section 164 Cr.P.C., before the learned Magistrate, hence, I am not inclined to grant bail to the petitioner, thus, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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