

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47598 of 2023

Arising Out of PS. Case No.-436 Year-2021 Thana- MIRGANJ District- Gopalganj

Prakash Raunihar @ Prakash Rauniyar Son Of Late Dhurupjee Prasad @
Dhural Raunihar Resident Of Gallamandi, P.S. - Mirganj, District -
Gopalganj, Bihar

... .. Petitioner/s

Versus

The State Of Bihar, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Devashish Giri, Advocate

For the Opposite Party/s : Mr. Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 04-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 30.05.2023 in connection with Mirganj P.S. Case No. 436 of 2021, F.I.R. dated 26.12.2021 for the offences punishable under Sections 363 and 366(A) of the Indian Penal Code but the police have submitted charge sheet under Section 376, 506/34 of the Indian Penal Code, Section 3(1)(r)(w), 3(2) (va) of SC/ST (POA) Act, 1989 and Section 4 and 6 of the POCSO Act.

3. According to prosecution case, this petitioner enticed away the minor daughter of the informant and committed rape upon her.

4. Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been 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 offences as alleged in the F.I.R.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the statement of the victim 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 the medical report also supports the allegation as alleged in the F.I.R. and the date of birth of the victim is 26.06.2006 which suggests that the victim was minor at the time of occurrence.

6. Considering the aforesaid facts and circumstances, I am not inclined to enlarge the petitioner on bail in connection with Mirganj P.S. Case No. 436 of 2021 pending in the court of learned VI Additional Sessions Judge cum Special Judge POCSO, Gopalganj.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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