

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46850 of 2023

Arising Out of PS. Case No.-7 Year-2022 Thana- PARSABAZAR District- Patna

Rockey Kumar @ Rocky Kumar Son of Manoj Rawat Resident of Adalatganj,
Jhoparpatti, Driver Colony, P.S.-Kotwali, District-Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 08-09-
2023

Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 24.02.2022 in connection with Parsa Bazar P.S. Case No. 07 of 2022, F.I.R. dated 04.01.2022 for the offences punishable under Sections 363 and 366(A) of the Indian Penal Code.

3. Earlier the bail petition of the petitioner was rejected vide order dated 24.08.2022 passed in Cr. Misc. No. 28670 of 2022 and thereafter, the petitioner again approached this Hon'ble Court in Cr. Misc. No. 5381 of 2023 which was dismissed vide order dated 01.02.2023 with liberty to the petitioner to move before the appropriate forum i.e. learned Court below and thereafter, the petitioner has filed this present application for grant of regular bail.

4. Learned counsel for the petitioner submits that petitioner that during investigation the prosecution has not



produced any valid date of birth certificate of the victim and the date of birth of the victim was assessed by the medical board as 20 years, so no case is made out under the POCSO Act.

5. Learned counsel for the petitioner has failed to convince this Court that if POCSO Act is not attracted against the petitioner then why other sections i.e. Sections 363, 366(A) and 376 of the Indian Penal Code are attracted against the petitioner and the report of the learned Trial Court also reveals that the charge has not been framed as yet.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

7. In view of the aforesaid, I am not inclined to enlarge the petitioner on bail in connection with Parsa Bazar P.S. Case No. 07 of 2022 pending in the court of learned Additional District Judge VI-cum-Special Judge (POCSO), Patna.

8. Prayer is refused.

(Rajesh Kumar Verma, J)

Vanisha/-

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