

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49171 of 2023

Arising Out of PS. Case No.-40 Year-2023 Thana- SRINAGAR District- West Champaran

1. BRIJKISHOR RAM SON OF SHIVBACHCHAN RAM RESIDENT OF VILLAGE- BAGAHIBAGHAMBARPUR, PS- SRINAGAR, DIST- WEST CHAMPARAN
2. DHIRAJ KUMAR SON OF MADAN RAM RESIDENT OF VILLAGE- BAGAHIBAGHAMBARPUR, PS- SRINAGAR, DIST- WEST CHAMPARAN
3. KRISHNA KUMAR SON OF SHAMBHU RAM RESIDENT OF VILLAGE- BAGAHIBAGHAMBARPUR, PS- SRINAGAR, DIST- WEST CHAMPARAN

... .. petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the petitioners/s : Mr.Anuj Kumar

For the Opposite Party/s : Mr.Syed Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 06-09-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners have prayed for bail in a case
instituted for the offence under Sections 376/34 of the Indian Penal
Code and Sections 6/8 of the POCSO Act.

3. The allegation against the petitioners along with
another is of committing rape upon the grand-daughter of the



informant.

4. It is submitted by learned counsel for the petitioners that petitioners have been falsely implicated in this case. They have committed no offence. He submitted that the victim girl was caught red hand in unacceptable circumstance with co-accused Niraj Kumar and objection was raised by the petitioners in the society and matter was brought in the knowledge of the panchayati, which led false implication of the petitioners in the present case. Petitioners are languishing in judicial custody since 01.04.2023.

5. Learned APP for the State has opposed the application for bail and submitted that the petitioners are named in the FIR. The statements of the victim girl have been recorded u/s 161 of the Cr.P.C. as well as 164 of the Cr.P.C., in which she specifically stated that these petitioners committed rape forcibly upon her without her consent, which corroborates the prosecution case. He further submitted that the victim is a minor girl. During investigation several witnesses have also supported the prosecution case.

6. Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioners on bail and, as such, their prayer for bail stands rejected.



7. The trial Court is directed to conclude the trial expeditiously.

(Sunil Kumar Panwar, J)

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