

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52156 of 2023

Arising Out of PS. Case No.-12 Year-2023 Thana- MAHILA PS District- East Champaran

VICKY KUMAR SINGH SON OF SUNIL SINGH RESIDENT OF
VILLAGE- CHINTAMANPUR, PS- PIPRA, DISTT- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Abhishek Kumar
For the State	:	Mr.Rajiv Nayan
For the Informant/s	:	Mr. Nitya Nand
	:	Kumari Anjani Sinha

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 18-12-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner has prayed for bail in connection with Mahila P.S. Case No. 12 of 2023 instituted for the offence under Sections 341, 307, 376D, 34 of the Indian Penal Code and Sections 4 & 6 of the POCSO Act.

3. As per allegation in the FIR, it is a case of gang rape. The informant who is victim of this case, alleged that three unknown persons took her at secluded place and committed rape upon her one by one. The accused persons also recorded video of the occurrence.

4. Learned counsel for the petitioner submits that the petitioner is innocent and committed no offence. The petitioner



is not named in the FIR. The name of the petitioner came into light on disclosure of spy which is mentioned in para-23 of the case diary. The petitioner was not put on TI Parade. He has falsely been implicated in this case. He has got no criminal antecedent and languishing in judicial custody since 15.3.2023.

5. Learned APP appearing for the state and learned counsel for the informant have vehemently opposed the prayer of regular bail and submitted that the victim was committed gang rape by the accused persons including the petitioner. The petitioner as well as co-accused persons vide para 166 of the case diary have confessed their guilt regarding commission of rape. At the instance of their confessional statement, ladies clothes, *chappal* & bottle were recovered which are properly identified by the victim that these articles belong to her. The victim girl in her statement recorded u/s 164 of the Cr.P.C. supported the prosecution case and stated that three accused persons including the petitioner committed rape upon her. Medical report of the victim also corroborates the prosecution. It is also submitted that the bail petition of other co-accused namely, Chhotu Singh @Chhotan Singh was already rejected by a co-ordinate Bench of this Court vide order dt. 14.9.2023 passed in Cr. Misc. No. 53667 of 2023.



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

7. The trial Court is directed to expedite the trial and conclude the same as early as possible.

(Sunil Kumar Panwar, J)

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