

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49906 of 2022

Arising Out of PS. Case No.-198 Year-2021 Thana- DARIYAPUR District- Saran

=====

Gautam Kumar @ Gautam Kumar Rai Son Of Lal Babu Rai Resident Of
Village - Gachhi Kewatiya, P.S.- Dariyapur, District - Saran At Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Shakti Suman Kumar

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh

=====

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 04-02-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Section 376(D) of the Indian Penal Code and Section 6 of the POCSO Act.

As per allegation in the FIR, when the minor daughter of the informant went for natural call, in the meantime co-accused Vidhan Kumar Rai came there and ravished her. Thereafter, called the petitioner who also ravished her.

It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this



case. It is also submitted that as per the medical report the age of victim girl is found as 18 to 20 years and also there is no evidence of sexual intercourse. Moreover, petitioner is in judicial custody since 31.03.2022.

Learned APP appearing on behalf of the State vehemently opposed the prayer of the petitioner and submitted that there is specific allegation of committing rape against the petitioner. It is also submitted that victim has stated in her statement, recorded under Section 164 of Cr.P.C., that petitioner has committed rape along with co-accused Vidhan Kumar Rai.

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.

Learned trial court is directed to expedite the trial and conclude the same as soon as possible.

(Sunil Kumar Panwar, J)

nirajkrs/-

U		T	
---	--	---	--

