

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52015 of 2022

Arising Out of PS. Case No.-458 Year-2022 Thana- SHERGHATI District- Gaya

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RUPESH KUMAR Son of Moti Yadav R/V- Kothwara, P.S- Sherghati, Dobhi,
Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Murad Ashraf, Adv.

For the Opposite Party/s : Mr. Dr. Ajeet Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 25-02-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offence punishable under Section 376 of the Indian Penal Code
and Section 4 and 6 of POCSO Act.

According to prosecution case, the petitioner is said to
have forcibly committed rape upon the informant.

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 it appears
from the F.I.R. that the date of occurrence as alleged in the
F.I.R. is 17.05.2022 but the present F.I.R. has been instituted on
07.06.2022, after delay of about 20 days. He further submits that
the petitioner has not committed any offence, as alleged in the



F.I.R.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the basis of material available on record and the case diary and submits that the statement of victim was recorded under Section 164 of Cr.P.C., in which, she has categorically stated that the petitioner has committed rape upon her.

Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail, in connection with Sherghati (Dobhi) P.S. Case No. 458 of 2022, pending in the court of learned Exclusive Special Judge POCSO-cum-Additional Sessions Judge, Gaya.

Prayer is refused.

(Rajesh Kumar Verma, J)

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