

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53039 of 2023

Arising Out of PS. Case No.-208 Year-2022 Thana- DAWATH District- Rohtas

Akash Kumar @ Aakash Kumar Son Of Chhatu Singh @ Chhathu Kumar
Singh Resident Of Village - Paraiya, P.S. - Dawath, District - Rohtas

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mithilesh Kumar Singh

For the Opposite Party/s : Mr.Narendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 31-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in connection with Dawath P.S. Case No. 208 of 2022 instituted for the offence under Sections 376, 504, 506 of the Indian Penal Code and Sections 4/8 of the POCSO Act.

3. According to the FIR, the petitioner is alleged to have committed rape of the informant, aged about 17 years by wrapping her mouth while she was going to attend the nature's call. The petitioner also threatened to kill the victim if she tells about the occurrence to anyone.

4. Learned counsel for the petitioner submits that the petitioner is innocent and committed no offence. He has falsely been implicated in this case due to dirty village politics. The



Medical report of the victim has not supported the prosecution case. It is also submitted vide para-12 of the petition that the father of the petitioner had filed a complaint case before the Gram Kachahari against the victim and her father much earlier to the present case in which they were found guilty which is also evident from Annexure. The petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 4.5.2023.

5. Learned APP appearing for the state has vehemently opposed the prayer of regular bail and submitted that the petitioner is named in the FIR upon whom the specific allegation of rape has been made. The victim girl supports the prosecution allegation in her statement recorded u/s 164 of the Cr.P.C. in which she stated the the petitioner committed rape after wrapping her mouth. The victim girl also stated her age about 17 years. It is further submitted that witnesses of this have also supported the prosecution case.

6. Having heard the learned counsel for the parties and considering the fact that there is specific allegation of rape against the petitioner, 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 soon as possible.

(Sunil Kumar Panwar, J)

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