

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54210 of 2023**

Arising Out of PS. Case No.-111 Year-2023 Thana- NAWANAGAR District- Buxar

ROHIT KUMAR son of Shri Kant Mahto @ Munim Mahto Village- Sheopur
Ps- Nawanagar Dist- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kumar Mishra, Adv.

For the Opposite Party/s : Mrs. Nirmala Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 04-09-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner, who is in custody since 08.06.2023 seeks
bail, in connection with Nawanagar P.S. Case No.111/2023, dated
14.04.2023, for the offences punishable under Sections 366A and 34
of the IPC & Section 12 of POCSO Act.

3. According to prosecution case, the petitioner is alleged
to have abducted the minor daughter of the informant after enticing
her.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been implicated in
the present case. He further submits that the allegation as alleged in
the F.I.R. is false and fabricated and the petitioner has not committed
any offence as alleged in the F.I.R. He further submits that from
perusal of the F.I.R. it appears that the alleged date of occurrence is



04.03.2023 but the present F.I.R. has been instituted on 14.04.2023 after delay of 40 days without giving any explanation of delay.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that the allegation as alleged in the F.I.R. is supported by the statement of the Victim recorded under Section 164 Cr.P.C., in which, she has categorically stated that the petitioner has committed rape upon her and the medical report of the victim suggest that the victim was pregnant at the time of medical examination and the date of birth of victim is 07.03.2005, which suggest that she was minor at the time of occurrence.

6. Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with Nawanagar P.S. Case No.111/2023, pending in the Court of learned Additional District and Sessions Judge-VI-cum-Special Judge, POCSO, Buxar.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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