

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53407 of 2022

Arising Out of PS. Case No.-11 Year-2022 Thana- MAHILA P.S. District- Sitamarhi

BRIJESH KUMAR @ BRAJESH KUMAR Son of Sri Dilip Ray R/V-
Sugaridih, P.S- Manindwara, Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vaishnavi Singh

For the Opposite Party/s : Mr.J.N. Thakur

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

6 08-05-2023 The learned counsel for the petitioner is directed to
remove all the defects pointed out by the office within one month.

Heard learned counsel for the petitioner as well as
Shri. J.N. Thakur, the learned APP for the State.

In this case, the petitioner is seeking regular bail in
connection with Sitamarhi Mahila P.S. Case No. 11 of 2022,
registered for the offences punishable under Sections 376 DA of
the Indian Penal Code and Sections 4/6 of the POCSO Act.

As per allegation, the prosecutrix who was a girl of 15
years, was returning in the night of occurrence after attending the
marriage ceremony. The three named accused persons
overpowered her and after gagging her mouth, they dragged her
towards forest and the accused persons including the petitioner
committed rape upon her.



The learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The doctor was not definite whether the rape was committed or not and the blood-soaked earth was chemically examined and no semen was found in the specimen.

On the other hand, the learned APP, Shri J. N. Thakur has opposed the prayer for bail and submitted that the minor girl was returning to her house in the night of occurrence and these three named accused persons committed rape upon her. The FSL report shows that the blood was found from the soil recovered from the place of occurrence. The prosecutrix in her statement under section 164 of the Cr.P.C has corroborated her earlier version mentioned in the FIR.

In my view, the petitioner does not deserve the privilege of bail. Accordingly, it is rejected.

Office shall ensure that all defects are removed by the petitioner within the stipulated time mentioned herein above, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

Sudha/Sonali

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