

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58010 of 2023

Arising Out of PS. Case No.-706 Year-2022 Thana- JOGAPATTI District- West Champaran

Mukesh Ram Son of Roshan Ram Resident Of Village- Balua Murat Rai, P.S-
Yogapatti, Distt- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra, Advocate

For the Opposite Party/s : Mr.Yogendra Kumar,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-09-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 13.01.2023 in connection with Yogapatti P.S. Case No. 706 of 2022, F.I.R. dated 24.12.2022 registered for the offence punishable under Sections 366(A)/34 of the Indian Penal Code and Sections 8 and 12 of the POCSO Act.

3. The prosecution case, in short, is that on 17.12.2022, accused persons including the petitioner are alleged to have kidnapped the minor daughter (the victim) aged about 10 years for the purpose of marriage.

4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not



committed any offence as alleged in the FIR and the informant is not the eye witness of the alleged occurrence. Further submits that the medical report does not support the allegation as alleged in the FIR.

5. Learned APP 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 FIR is supported by the victim and in her statement she has categorically stated that the petitioner has committed rape upon her and the date of birth of the victim as mentioned in the School Certificate is 07.10.2012 and on the date of occurrence the victim was minor and there is direct and specific allegation against the petitioner that he repeatedly committed rape upon the victim girl.

6. In view of the aforesaid fact, I am not inclined to enlarge the petitioner on bail in connection with Yogapatti P.S. Case No. 706 of 2022 pending in the court of learned Additional Sessions Judge-VI-cum-Special Judge, POCSO, Bettiah, West Champaran.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

Nitesh/-

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