

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57634 of 2023

Arising Out of PS. Case No.-130 Year-2023 Thana- KURTHA District- Jehanabad

Deepak Kumar Son Of Harendra Singh Resident Of Village/Mohalla -
Dhamaul, Police Station - Kurtha, District - Arwal

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate
	:	Mr. Mayank Raj, Advocate
For the Opposite Party/s	:	Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-09-2023 Heard Mr. Ramakant Sharma, learned Senior Counsel

appearing on behalf of the petitioner, assisted by Mr. Rakesh

Kumar Sharma, Advocate and Mr. Shailendra Kumar, learned

Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
07.06.2023 in connection with POCSO Case No. 39 of 2023,
arising out of Kurtha P.S. Case No. 130 of 2023, F.I.R. dated
28.04.2023 for the offences punishable under Sections 341, 504,
506 and 376 of the Indian Penal Code along with Section 4 of
the Protection of Children from Sexual Offences Act (POCSO).

3. According to prosecution case, the petitioner is
alleged to have committed rape upon the daughter of the
informant.



4. 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 the allegations as alleged in the F.I.R., are false and fabricated and the petitioner has not committed any offence. He further submits that the occurrence as alleged in the F.I.R. is 21.04.2023 but the present F.I.R. was instituted on 28.04.2023 after delay of about seven days without giving any explanation of delay. He further submits that the medical report of the victim suggest that she is aged about 15 to 17 years.

5. Learned counsel appearing on behalf of the State on the basis of material available on record vehemently oppose the prayer for grant of bail of the petitioner and submits that the statement of the victim girl was recorded under Section 164 of the Cr.P.C. and age of the victim was assessed by the learned Court is 13 years. He further submits that victim girl in her statement, which was recorded under Section 164 of the Cr.P.C., categorically stated that the petitioner has committed rape upon her and the medical report of the victim also suggest that she has been sexually assaulted by the petitioner and there is direct and specific allegation against the petitioner that he has committed rape upon the victim.



6. In view of the aforesaid and the statement of the victim girl, which was recorded under Section 164 of the Cr.P.C, has fully supported the case of the prosecution and the medical evidence also support that the petitioner has committed rape upon her.

7. Considering the aforesaid, I am not inclined to enlarge the petitioner on bail in connection with POCSO Case No. 39 of 2023, arising out of Kurtha P.S. Case No. 130 of 2023 pending in the court of learned Additional Sessions Judge – VIth – cum – Special Judge, POCSO, Jehanabad.

8. Prayer is refused.

(Rajesh Kumar Verma, J)

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