

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55431 of 2022

Arising Out of PS. Case No.-2 Year-2022 Thana- PAKARIBARAW District- Nawada

Rohit Kumar @ Botha Kumar @ Bodha Kumar Son Of Karu Manjhi R/O
Santar, Mohalla- Asama, P.S.- Pakaribarawan, Distt.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Ranjan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 28-02-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Section 377 of the Indian Penal Code
and Section 8 and 12 of the POCSO Act.

According to prosecution case, on 13.12.2021 the
informant and other family members had gone to attend ta
marriage ceremony and his young child aged about 4 years was
sleeping in the house. The neighbour of the informant namely
Rohit Kumar @ Bodha Kumar came to his house and took his
son to his house. It is further alleged that when the informant
returned back from the marriage he did not notice his son in his
house and started to search for him and found that his son was
coming out from the house of Rohit Kumar @ Bodha Kumar
and his pant was wet. The informant enquired from his son, who
disclosed that Rohit @ Bodha had locked him in his room and



has indulged in unnatural sexual activities with him.

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 present F.I.R. instituted after twenty days of the date of occurrence and there is no eye witness of the alleged occurrence and only on the basis of suspicion the petitioner has falsely been implicated in the present case.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the statement of the victim which was recorded under Section 164 Cr.P.C. in which she has categorically stated that the petitioner has committed wrong with the victim.

Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with Pakaribarawan P.S. Case No. 02 of 2022 pending in the court of learned Additional District and Sessions Judge-I-cum-Special Judge (POCSO Act), Nawada.

Prayer is refused.

(Rajesh Kumar Verma, J)

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