

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55897 of 2022

Arising Out of PS. Case No.-136 Year-2022 Thana- CHANPATIA District- West Champaran

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SAGAR KUMAR S/O- Late Dinesh Sah R/V- Tikulia (Dilip Chowk), ward
No. 11, P.s.- Chanpatiya, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey,Adv.

For the Opposite Party/s : Mr.Ram Nath Ray,APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 30-01-2023 Heard the learned counsel for the
petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with Chanpatiya P.S. Case No.136 of 2022, registered for the offences punishable under Sections 366-A/34 of the Indian Penal Code and 8 and 12 of the Protection of Children from Sexual Offences Act. Later on, Sections 363, 376A, 376B of the I.P.C and Sections 4 and 6 of the POCSO Act was added.

The victim girl is stated to have been kidnapped by unknown persons when she was



sitting at her shop.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 13.07.2022. It is further submitted by the learned counsel for the petitioner that a bare perusal of the statement made by the victim girl under Section 164 Cr.P.C., before the learned Magistrate would show that there is no whisper about the victim girl having either met the petitioner or having been raped by the petitioner, hence, the petitioner is not having any complicity in the matter.

Per contra, the learned APP for the State has referred to the materials available in the case diary as also statement made by the victim girl under Section 164 Cr.P.C., before the learned Magistrate, wherein the victim girl has stated that the petitioner herein had raped her when she was being kept at his place by one another co-accused person, namely, Tabrej Alam, who had taken her



away along with him.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also those available in the case diary, apart from having perused the statement of the victim girl made under Section 164 Cr.P.C., before the learned Magistrate, this Court finds that there are ample evidences on record to suggest the complicity of the petitioner in the alleged crime and he is alleged to have committed a heinous crime of raping a minor girl, hence, I am not inclined to grant bail to the petitioner, thus, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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