

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56818 of 2023

Arising Out of PS. Case No.-128 Year-2023 Thana- LAURIA District- West Champaran

Abhay Prakash son of Rambihari Mahato Village- Anjua P.S- Shikarpur Dist-
West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajeet Kumar Bhardwaj, Advocate

For the Opposite Party/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 14-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 19.05.2023, in connection with Lauria P.S. Case No. 128 of 2023, F.I.R. dated 19.05.2023 registered for the offences punishable under Section 376 of the Indian Penal Code and Sections 4, 6, 8 of the POCSO Act.

3. The prosecution case, in brief, is that the informant's daughter started vomiting and on enquiry it was disclosed that accused Abhay Prakash established physical relation and due to which the informant's daughter became pregnant of 3-4 months.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the



present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R.

5. Learned APP for the State, on the other hand, vehemently opposed the prayer for bail and submits that the statement of the victim girl was recorded under Section 164 of the Cr. P.C. in which she has categorically stated that the petitioner has committed rape upon her and at the time of medical examination the victim was pregnant and date of birth of the victim suggests that she was minor at the time of occurrence.

6. Considering the aforesaid facts that there is direct and specific allegation against the petitioner supported by the 164 statement of the victim as well as medical evidence, I am not inclined to enlarge the petitioner on bail in connection with Lauria P.S. Case No. 128 of 2023 pending in the Court of Additional District Judge, West Champaran, Bettiah.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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