

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57566 of 2023

Arising Out of PS. Case No.-164 Year-2023 Thana- DURGAWATI District- Kaimur (Bhabua)

Abhinash Kumar @ Avinash Kumar Son Of Pramod Ram @ Pramod Kumar
Resident Of Village - Kalhanua, P.S. - Durgawati, District - Kaimur At
Bhabua

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashutosh Tripathy

For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 04-10-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The instant application for regular bail has been
filed by the petitioner instituted for the offence punishable
under Sections 376(3), 341, 323/34 of the Indian Penal
Code read with Section 4 of the POCSO Act.

It is a case of commission of rape by the
petitioner upon the informant, aged about 14 years, when
she was going to Durgawati Girl High School. Petitioner
and three others forcibly took her to nearby tent shop and
down the shutter and thereafter committed rape. Accused
persons dropped her near road side in unconscious



position. After gaining sense, she found herself in Hospital with police officials and then the present FIR.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. Victim/informant had given contradictory statement recorded u/s 164 Cr.P.C. from the FIR version. Petitioner has got no criminal antecedent and languishing in judicial custody since 4.6.2023.

Learned APP appearing for the State has opposed the prayer of bail and submitted that statement of the victim girl is author of the FIR. She is 14 years old school going candidate. She has specifically stated that petitioner has committed rape. During investigation, several witnesses has supported the prosecution version. Her statement was recorded u/s 164 Cr.P.C. wherein she has corroborated the allegations made in the FIR against the accused petitioner.

Having heard learned counsel for the parties and taking into consideration that there is direct allegation of committing rape against the petitioner upon the minor informant, I am not inclined to grant bail to the petitioner and, as such, his application for bail is rejected.



The trial court is directed to expedite and conclude the trial.

(Sunil Kumar Panwar, J)

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