

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58529 of 2022

Arising Out of PS. Case No.-202 Year-2022 Thana- PANAPUR District- Saran

BRIJESH KUMAR @ BRAJESH KUMAR Son of Shubhnarayan Singh
Kushwaha R/V- Harakh Pakri P.S- Panapur, Dist- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jeetendra Narayan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 17-01-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in
connection with Panapur P.S. Case No. 202 of 2022
for the offence registered under Sections 376 and
506 of the Indian Penal Code and Sections 3, 6 and
8 of the POCSO Act.

The allegation is regarding the petitioner
having raped the victim girl after forcibly taking
her inside a mango orchard.

The learned counsel for the petitioner has
submitted that the petitioner is innocent, he has
been falsely implicated in the present case, is
having a clean antecedent and he is languishing in
custody since 16.07.2022. The learned counsel for
the petitioner has further submitted that the victim
girl is major, hence, the act in question was
consensual in nature, thus, the petitioner is not



having any complicity in the matter.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also having perused the impugned order dated 14.09.2022, this Court finds that there are ample materials available on record to prima facie show that the petitioner has raped the victim girl, which also stands corroborated from the statement made by the victim girl, under Section 164 Cr.P.C., before the learned Magistrate, apart from the fact that the learned Court below has found the victim girl to be a minor, hence, I do not find any merit in the present case, thus, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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