

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60874 of 2023

Arising Out of PS. Case No.-200 Year-2023 Thana- BARACHATTI District- Gaya

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Devan Kumar Son Of Rajdeo Bhuiyan Village- Jaigir Somiya Ps- Barachatti,
Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Aryan Singh

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 07-11-2023 Heard learned counsel for the petitioner,

informant and learned A.P.P appearing on behalf of the

State.

The petitioner is languishing in custody in a

case registered for the offences punishable under Section

376 of the Indian Penal Code and Sections 4 of the

POCSO Act.

It is a case of commission of rape to the

informant by the petitioner.

It is submitted by learned counsel for the

petitioner that petitioner is innocent and he has falsely

been implicated in this case. At the time of taking



cognizance, the victim was found to be a major. During investigation, it was found that victim is a mentally retarded girl and even cannot speak properly. The reason behind falsely implicating the petitioner is that at earlier point of time, the mother of the petitioner had offered a proposal of marriage of her daughter to the petitioner which was rejected by the family members of the petitioner. The petitioner is languishing in custody since 21.02.2023. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

In contra, learned A.P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioner and submitted that the specific accusation of committing wrong is against the petitioner and the victim in her 164 Cr.P.C statement has also specifically alleged against the petitioner that he forcefully committed rape upon her.

Considering the fact that thrust of accusation is against the petitioner, this Court is not inclined to grant



bail to the petitioner.

The prayer for grant of bail to the petitioner stands rejected.

The Trial Court is directed to expedite the trial and conclude the same at the earliest.

(Sunil Kumar Panwar, J)

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