

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58695 of 2022

Arising Out of PS. Case No.-14 Year-2022 Thana- KURTHA District- Jehanabad

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Amarjeet Kumar Son of Radhe Mohan Prasad Resident of Village - Nauru Mai, P.S. - Parasbigha, District - Jehanabad, Permanent Address Village - Ganankura (Gagankura), P.S.- Shakurabad, District - Jehanabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 05-04-2023 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Petitioner seeks bail in connection with Special POCSO Case No. 83 of 2022 arising out of Kurtha P.S. Case No. 14 of 2022 , F.I.R. dated 28.01.2022 for the offences punishable under Sections 363 of the Indian Penal Code and Section 366(A), 376 and 323 of the Indian Penal Code and Section 4 of the POCSO Act were added.

According to prosecution case, the informant's daughter aged about 17 years went to attend natural call towards filed from her house, but she did not returned then informant searched her but she could not be traced.

Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that from perusal of the F.I.R., the occurrence took place on 25.01.2022 but the present F.I.R. is instituted on 28.01.2022 i.e. after delay of 3 days without giving any explanation of the said delay. He further submits that the allegation as alleged in the F.I.R. is false and fabricated.

The learned Additional Public Prosecutor on the basis of the material available on record as well as case diary has vehemently opposed the prayer for bail of the petitioner and submits that the statement of the victim was recorded under Section 164 of the Cr.P.C. in which she has particularly stated that the petitioner has committed rape upon her.

Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with Special POCSO Case No. 83 of 2022 arising out of Kurtha P.S. Case No. 14 of 2022 pending in the court of learned Additional Sessions Judge VI cum Special Judge, POCSO, Jehanabad.

Prayer is refused.

(Rajesh Kumar Verma, J)

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