

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60357 of 2022

Arising Out of PS. Case No.-725 Year-2022 Thana- AHIYAPUR District- Muzaffarpur

Nandan Paswan Son Of Bharat Paswan R/O Village- Barheta, P.S.-
Mahindwara, District- Sitamarhi.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 17-01-2023 Heard the learned counsel for the
petitioner and the learned APP for the State, Shri
Nirmal Kumar Sinha.

The petitioner seeks regular bail in connection with Ahiyapur P.S. Case No. 725 of 2022, registered for the offences punishable under Section 376 of the Indian Penal Code and Sections 4 and 5 of the POSCO Act.

The allegation levelled by the prosecution is that the minor victim girl has been raped by the petitioner.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he



has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 20.08.2022. The learned counsel for the petitioner has further submitted that the allegation levelled against the petitioner are improbable and, in fact, only on account of him working in the nursing home and not paying extortion money, he has been implicated in the present case. It is also submitted that only because the members of the informant's side had assaulted the petitioner brutally, they have filed the instant case, falsely implicating the petitioner, in order to save their skin.

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

I have heard the learned counsel for the parties and gone through the materials on record as also perused the impugned order dated 22.09.2022, from which it is apparent that the victim girl has supported the factum of rape



committed by the petitioner in her statement made under Section 164 Cr.P.C., before the learned Magistrate, apart from the fact that the victim girl has been found to be a minor, hence, I find that the complicity of the petitioner is writ large from the records, thus, I do not find any merit in the present petition.

Accordingly, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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