

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63135 of 2022**

Arising Out of PS. Case No.-40 Year-2021 Thana- MAHILA P.S. District- Samastipur

GAURAV KUMAR S/o Late Lalan Singh R/o Village- Alampur, P.S.-
Vidyapati Nagar, Distt- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subodh Kumar, Adv.

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 06-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since 14.09.2022, in connection with Samastipur Mahila P.S. Case No. 40/2021, F.I.R. dated 14.06.2021, for the offences punishable under Sections 323, 341, 363, 376(DA), 504, 506 and 34 of the Indian Penal Code.

According to prosecution case, the petitioner along with other co-accused persons have committed rape upon the minor daughter of the informant.

Learned counsel for the petitioner submits that the petitioner is innocent and he has falsely been implicated in the present case. He further submits that the allegation against the petitioner as alleged in the F.I.R. is false and fabricated and no



such occurrence as alleged in the F.I.R. has ever taken place. He further submits that there is no eyewitness of the alleged occurrence and the police after investigation submitted the charge sheet against the petitioner.

The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries three criminal antecedent other than the present one. He further submits that the statement of the victim was recorded under Section 164 of the Cr. P.C., it appears that the victim was minor at the time of occurrence and she has also supported the allegation as made in the F.I.R. and she has categorically stated that the petitioner and other co-accused persons have committed rape upon her.

Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with Samastipur Mahila P.S. Case No. 40/2021, pending in the court of learned Special Judge, POCSO, Samastipur.

Prayer is refused.

(Rajesh Kumar Verma, J)

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