

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66101 of 2022

Arising Out of PS. Case No.-50 Year-2022 Thana- MAHILA PS District- Buxar

SHIVAM SINGH S/o Bharat Singh R/o Village- Chugain, P.S.- Murar, Distt-
Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anand Kumar Ojha, Adv.

For the Opposite Party/s : Mr.Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Buxar
(Mahila) P.S. Case No. 50 of 2022 registered for the offence under
Sections 376(D) of the Indian Penal Code and Section 6 of the
POCSO Act.

The daughter of the informant is subjected to forceful
physical relation established by the petitioner and others.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that
the allegation, as alleged in the F.I.R., is false and fabricated
and the petitioner has not committed any offence. He further
submits that the victim was a major girl and she was consensual



while intimating with the petitioner. The petitioner has never established forceful physical relation with the victim nor the victim has stated anything about the forceful relation rather her father has implicated the petitioner. The petitioner is rotting in judicial custody since 21.11.2021.

Learned A.P.P. for the state on the other hand, on the basis of material available on record and the case diary vehemently opposed the prayer for bail and submits that it has come during investigation that the petitioner has committed rape upon the victim and the victim in her statement has also supported the prosecution version. She has admitted that she was in love with the petitioner and he has established physical relation with her. She further stated that the petitioner has compelled her to establish physical relation with his friends for which she was not ready.

Considering the facts and circumstances of the case, this Court is not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of this petitioner is rejected.

(Rajesh Kumar Verma, J)

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