

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74524 of 2022

Arising Out of PS. Case No.-403 Year-2022 Thana- NARPATGANJ District- Araria

HIMANSHU KUMAR SINGH S/o Shankar Singh R/v- Bardaha, P.S.-
Narpatganj, District- Araria

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Bhushan Das

For the Opposite Party/s : Mr. Ram Naresh Ray

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 24-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in connection with Narpatganj P.S. Case No. 403 of 2022 instituted for the offence under Sections 376/34 of the Indian Penal Code and Section 4/6 of the POCSO Act.

The prosecution case, in brief, is that when the informant had gone to his relative, three accused persons including the petitioner caught hold of the informant and tied her mouth with her dupatta. Thereafter, they committed rape upon her.

Learned counsel for the petitioner submits that the petitioner is innocent and committed no offence. He has falsely been implicated in this case due to dirty village politics. The



petitioner is languishing in judicial custody since 11.9.2022.

Learned APP appearing for the state has opposed the prayer of regular bail and submitted that the statement of victim recorded under section 164 of Cr.P.C., wherein, she stated that the three accused persons including the petitioner committed rape upon her. Further, it is submitted that at the time of recording of victim's statement, she was assessed as 16 years old. Moreover, there is direct allegation as per the statement of victim u/s 164 of Cr.P.C. against the petitioner.

Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

The trial Court is directed to expedite the trial and conclude the same as soon as possible.

(Sunil Kumar Panwar, J)

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