

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68951 of 2022

Arising Out of PS. Case No.-209 Year-2022 Thana- KHIJARSARAI District- Gaya

1. BANTI KUMAR S/o Surakant Singh R/v- Lalu Bigha, P.S.- Khizersarai, District- Gaya
2. ABHISHEK KUMAR @ ANKIT KUMAR @ ANKIT RAJ @ KARU S/o Ranjeet Kumar R/v- Lalu Bigha, P.S.- Khizersarai, District- Gaya
3. RAUBIN KUMAR @ ROBIN KUMAR @ BITTU S/o Vijay Singh R/v- Lalu Bigha, P.S.- Khizersarai, District- Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ujjawal Kumar Singh, Adv.

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 27-03-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners seek bail in a case registered for the offences punishable under Sections 354(D), 376(D), 376(DA), 506 and 34 of the Indian Penal Code and Sections 4 and 6 of POCSO Act.

According to prosecution case, there is allegation against the petitioners of committing gang rape upon the victim girl on the point of pistol.

Learned counsel for the petitioners submits that the petitioners have clean antecedent and they have falsely been



implicated in the present case. He further submits that the allegation against the petitioners, as alleged in the F.I.R., is false and fabricated.

The learned Additional Public Prosecutor for the State on the other hand vehemently opposed the prayer of bail of the petitioners on the basis of material available on the record and submits that the statement of the victim girl was recorded under Section 164 of the Cr.P.C., in which, she has specifically stated that the petitioners have committed rape upon her and the date of birth of the victim suggests that the victim was minor at the time of occurrence.

Considering the aforesaid facts, I am not inclined to enlarge the petitioners on bail in connection with POCSO Case No. 75 of 2022, arising out of Khizersarai P.S Case No. 209 of 2022, pending in the court of learned Exclusive Special Judge POCSO-cum-Additional Sessions Judge-VII, Gaya.

Prayer is refused.

(Rajesh Kumar Verma, J)

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