

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73285 of 2023

Arising Out of PS. Case No.-162 Year-2023 Thana- PANAPUR District- Saran

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1. TINKU KUMAR Son of Laxman Prasad R/o Totha Malikana, P.S. - Panapur, Distt. - Saran at Chapra
 2. Rahul Kumar Son of Late Gyanchandra Sah R/o Totha Malikana, P.S. - Panapur, Distt. - Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-11-2023 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners are in judicial custody in connection with Panapur P.S. Case No. 162 of 2023 registered under Section 376(D) of the Indian Penal Code and Section 4/8 of the POCSO Act lodged on 06.07.2023 by the informant, Puja Kumari.

3. As per the prosecution story, the victim girl has alleged that while she was going to attend a marriage, the accused persons including the two petitioners caught her and repeatedly raped her. Further, she was threatened not to disclose the incident failing which the video that has been recorded will



be made viral. Though, she chose to keep mum, her mother subsequently came to know, called her father whereafter the FIR was lodged.

4. Learned counsel for the petitioner submits that one of the petitioner, petitioner no. 1 is actually cousin of the girl and it is unbelievable for a cousin to rape her own sister.

5. Learned APP on the other hand has taken this Court to the order sheet of the learned Sessions Judge to show that not only the girl who was found to be 13 years of age has supported the prosecution under Section 164 of the Cr.P.C, the two petitioner also confessed to the crime.

6. Considering the kind of allegation that has come even one decade after the 'NIRBHAYA' episode, though the petitioners are young boys, this Court is not inclined for the present to extend them the privilege of bail which is accordingly rejected.

(Rajiv Roy, J)

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