

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71213 of 2022

Arising Out of PS. Case No.-35 Year-2015 Thana- MAHILA P.S. District- Araria

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Madram Gupta @ Madhuram S/o Murlidhar Gupta @ Murlidhar R/o Village-
Bhatehiya, P.S.- Bhidrakheri, Distt- Lakhimpur (Uttar Pradesh).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha, Advocate

For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 04-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
21.09.2022 in connection with Special (POCSO) Case No. 23 of
2015 arising out of Mahila P.S. Case No. 35 of 2015, F.I.R.
dated 01.08.2015 for the offences punishable under Sections
363, 365, 366A, 370A, 370(5), 385, 376/34 of the Indian Penal
Code and Section 10/12 of POCSO Act.

According to prosecution case, the accused persons
demanded money in return of informant's as well as his
brother's daughter and the accused persons threatens the



informant that they will sell their daughters if they failed to pay the amount.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present 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 as alleged in the F.I.R. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation.

The learned Additional Public Prosecutor on the basis of material available on record and case diary has vehemently opposed the prayer for bail of the petitioner and submits that the victim girl was recovered and her statement was recorded under Section 164 of the Cr.P.C. in which she has categorically stated that the petitioner has committed rape upon her. He further submits that the medical report of the victim suggests that the victim was minor at the time of occurrence.

Considering the aforesaid facts and circumstances, I am not inclined to enlarge the petitioner on bail in connection with Special (POCSO) Case No. 23 of 2015 arising out of Mahila P.S. Case No. 35 of 2015 pending in the court of learned



Additional Sessions Judge-VI-cum Special Judge (POCSO),
Araria.

Prayer is refused.

(Rajesh Kumar Verma, J)

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