

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3647 of 2023

Arising Out of PS. Case No.-148 Year-2019 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Chandan Kumar @ Chandan Kumar Das Son of Lala Das, resident of Village-
Narghoghi, P.S.- Sarairanjan, District- Samastipur

... .. Petitioner

Versus

1. The State of Bihar
2. Sanju Devi Wife of Arbind Sharma R/o Vill.- Narghoghi, P.S.- Sarairanjann,
Distt.- Samastipur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Brajesh Kumar Singh, Advocate
For the Opposite Party/s : Mr.Umanath Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 17-05-2023 Heard the learned counsel for the petitioner and

learned APP for the State.

This is an application for grant of anticipatory bail in connection with C.R. No.148/2019 in which cognizance has been taken for the offences under Sections 366-A and 376-D of the Indian Penal Code and Section 6 of the POCSO Act.

The case of the prosecution, in brief, according to the complainant, is that her daughter was kidnapped leading to lodging of Sarairanjan P.S. Case No.26 of 2019, dated 12.02.2019, however, the victim girl was recovered and her statement was recorded, under Section 164 CrPC, wherein Pintu



Kumar Chaurasiya and others had been arrayed as accused persons and then, the victim girl was kept at the house of the brother of the complainant, namely, Devendra Sharma for safety purpose, however, the co-accused person, namely, Guddi Devi, aunt of the victim girl, on one pretext or another, had called the victim girl at the temple situated at village Darba where the victim girl had gone on 27.02.2019, at about 11 pm, and then, she was again kidnapped by the petitioner and other co-accused persons, namely, Pintu Kumar Chaurasiya, Chandan Kumar and Raju Kumar and one another unknown person, who was driving the car in question. It is also submitted that other co-accused persons were also present at the place where the kidnapped victim girl was taken and there it was being discussed regarding selling the victim girl. Whereafter, the petitioner and some other co-accused persons had administered intoxicating injection upon the victim girl and had raped her. It is also alleged that in the morning at about 4 am, the co-accused person, namely, Pintu Kumar Chaurasiya had made the victim girl sit in the train going from Samastipur to Delhi while the victim girl was in an unconscious condition and then, the victim girl was taken to Delhi where also the victim girl was sexually abused.

The learned counsel for the petitioner has



submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that there is no evidence on record to suggest that rape was committed with the victim girl.

Per contra, the learned APP for the State has referred to the statement made by the victim girl, aged about 16 years, under Section 164 CrPC, before the learned Magistrate, which is annexed as Annexure-5 to the present petition, to submit that the victim girl has supported and corroborated the allegation levelled by the complainant and she has categorically stated that the petitioner herein along with others had administered injection containing intoxicating fluid and raped her.

Having regard to the facts and circumstances of the case, taking into consideration the materials available on record as also considering the statement made by the victim girl under Section 164 of the CrPC, before the learned Magistrate, this Court finds that *prima facie*, the petitioner appears to have not only administered injection containing intoxicating fluid, but had also raped the victim girl, hence, the complicity of the petitioner in the alleged crime is



writ large from the records, thus the present petition is sans
merit, hence is dismissed.

(Mohit Kumar Shah, J)

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