

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74591 of 2022

Arising Out of PS. Case No.-73 Year-2022 Thana- KATEYA District- Gopalganj

Jitendra Kushwaha Son of Toofani Kushwaha R/V- Pakadiyar, P.S- Kateya,
Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey No.5, Advocate
For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

7 27-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody in connection with Sessions Trial No. 435 of 2022 arising out of Kateya P.S. Case No. 73 of 2022, F.I.R. dated 19.02.2022 for the offences punishable under Sections 376, 420, 342/34 of the Indian Penal Code and Section 4/6 of the POCSO Act.

3. According to prosecution case, this petitioner has committed rape upon the victim and also committed sexual assault several times due to which the victim received pregnancy and he forced to do abortion several times. It is further alleged that the other accused persons including the father, maternal uncle and cousin brother of the petitioner also exploited the victim sexually.



4. 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 offences as alleged in the F.I.R.

5. The learned Additional Public Prosecutor on the basis of material available on record and the case diary has vehemently opposed the prayer for bail of the petitioner and submits that the statement of the victim recorded under Section 161/164 of the Cr.P.C. fully supports the case of the prosecution and the medical report of the victim also supports the case of the prosecution and the report of the learned Trial Court reveals that the trial is going on and three witnesses have already been examined.

6. Considering the aforesaid facts and circumstances, I am not inclined to enlarge the petitioner on bail in connection with Sessions Trial No. 435 of 2022 arising out of Kateya P.S. Case No. 73 of 2022 pending in the court of learned Additional District & Sessions Judge I, Gopalganj.



7. Prayer is refused.

8. However, learned Trial Court is directed to expedite
and conclude the trial at the earliest.

(Rajesh Kumar Verma, J)

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