

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74578 of 2022

Arising Out of PS. Case No.-277 Year-2022 Thana- JANDAHA District- Vaishali

ABHAY KUMAR Son of Shri Amal Paswan Resident of at village- Adalpur,
P.S- Jandaha, Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Ranjan, Advocate

For the Opposite Party/s : Mr.Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 17-04-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is an accused in connection with Jandaha P.S. Case No. 277 of 2022 under sections 376(D) and 34 of the Indian Penal Code and sections 4 and 12 of the POCSO Act lodged on 10.09.2022 by the informant, Darshan Paswan.

The prosecution story in brief is that on 08.09.2020, when the victim/daughter of the informant was going to Middle School, Andhrabar for studying and as she reached near Hanuman Mandir, one Amod Ram caught her forcibly, took to a secluded place and thereafter, gang raped her. The accuseds were named as Raushan Kumar, Chhotu Paswan and three unknown persons. The informant further alleged that they threatened her of dire consequences if she discloses the



occurrence. Accordingly, the FIR.

Learned counsel for the petitioner submits that no such offence was committed by the petitioner and his name has come in the confessional statement of Chhotu Kumar and Kunal Kumar. Further submission is of delay in lodging of the FIR.

This Court has gone through the FIR and the victim girl subsequently narrated her ordeal under section 164 of the Cr.P.C. and the same finds incorporated in the order of the learned Additional Sessions Judge-VI cum Special Judge, POCSO Vaishali at Hajipur which shows that she supported the FIR and further stated that the accused persons committed gang rape upon her and made the video viral on the internet.

Taking into account the fact that it is a case of gang rape with the minor girl, the accused Kunal Kumar has named him, as per the observation of the Additional Sessions Judge-VI cum Special Judge, POCSO, the victim girl has supported the prosecution story, this Court does not deem it proper to grant relief to the petitioner and accordingly, the same stands rejected.

(Rajiv Roy, J)

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