

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 14659 of 2024

Arising Out of PS. Case No.-20 Year-2023 Thana- MAHILA P.S. District- Patna

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Rakesh Kumar @ Rakesh Ram S/O Nashib Ram @ Nashibi Ram R/O
Paharpur, Ward No. 1, P.S- Jurawanpur, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Nirmala Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 16-04-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Mahila P.S. Case No. 20 of 2023, Special Case No. 70 of 2023, F.I.R. dated 24.02.2023, registered for the offences punishable under Sections 376, 328, 506, 509 and 34 of the Indian Penal Code read with Section 4 of the POCSO Act and Sections 67 and 67(A) of the I.T. Act.

3. As per the prosecution case, the petitioner committed rape upon the informant and took her illegal photographs. It is further alleged that the petitioner put vermilion on her head and got some photographs.

4. Learned counsel for the petitioner submits that

petitioner has clean antecedent and he has falsely been implicated in the present case. The allegation levelled in the F.I.R. is false and fabricated and the petitioner has not committed any offence, as alleged in the F.I.R. In fact, the petitioner was in love with the victim and due to some misunderstanding, the present F.I.R. has been lodged.

5. The learned Additional Public Prosecutor for the State on the other hand on the basis of the material available on the record of the case diary has vehemently opposed the prayer for bail of the petitioner and submits that victim was examined in Gardanibagh Hospital on 06.05.2023 and the report of medical suggest that the age of victim is between 14 to 16 years. It appears that on the date of occurrence, the victim was minor and apart from that the statement of victim was recorded under Section 161 of Cr.P.C. in which she has stated that the petitioner has committed wrong with her.

6. Considering the aforesaid facts and circumstances and the fact that there is direct allegation against the petitioner, I am not inclined to grant the privilege of anticipatory bail to the petitioner in connection with Mahila P.S. Case No. 20 of 2023 pending in the Court of A.D.J.- VIth-cum-Special Judge, POCSO, Patna.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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