

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14695 of 2024

Arising Out of PS. Case No.-336 Year-2023 Thana- KORHA District- Katihar

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Kumod Kumar Sahni @ Kumod Kumar Son Of Narayan Sahani Resident Of
Village- Kant Nagar Bandh, Panchayat- Shishia, Ps- Barari, Distt- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Raj Kumar, Advocate
For the Informant	:	Mr.Suresh Prasad @ Barnwal, Advocate
For the Opposite Party/s	:	Mr.Raj Ballabh Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 29-04-2024 Heard learned counsel for the petitioner, learned
counsel for the informant, learned APP for the State and perused
the case diary.

2. The petitioner seeks bail in connection with Korha
P.S. case No. 336 of 2023 instituted for the offences under
Sections 376(2)(i)(j) of the Indian Penal Code and Section 6 of
POCSO Act.

3. Prosecution case, in short, is that it is alleged that
petitioner outraged the modesty of the victim.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.
Learned counsel further submitted that FIR has been lodged
under Sections 376(2)(i)(j) of the Indian Penal Code and Section



6 of POCSO Act, whereas the cognizance has been taken under Section 376(AB) of Indian Penal Code and Section 6 of the POCSO Act. He further submitted that informant is not the eye witness of the occurrence. He further submitted that the petitioner neither committed rape with the victim nor was present at the place of occurrence on the alleged date and time. It has been submitted on behalf of the petitioner that the petitioner is in custody since 26.09.2023 and has no criminal antecedent.

5. Learned A.P.P. for the State as well as learned counsel for the informant vehemently opposed the prayer for grant of bail to the petitioner. Learned counsel for the informant further submitted that the medical report of the victim, corroborates with the commission of rape with the victim girl. Victim, in her statement recorder under Section 164 of the Cr.P.C. has also supported the prosecution case.

6. Considering the aforesaid facts and circumstances of the case, nature and gravity of offence and statement of the victim recorded under Section 164 of the Cr.P.C. in which she has specifically stated the manner in which the occurrence took place, this Court is not inclined to grant bail to the petitioner.

7. Prayer is rejected. Learned Trial Court is directed to



expedite the trial and conclude the same expeditiously. Further, direction is also given to the District Magistrate, Katihar and Superintendent of Police, Katihar to produce the witnesses in the concerned Trial Court as and when required.

8. Let the copy of this order be sent to District Magistrate, Katihar and Superintendent of Police, Katihar.

(Rudra Prakash Mishra, J)

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