

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15947 of 2024

Arising Out of PS. Case No.-28 Year-2022 Thana- MAHILA P.S. District- Sitamarhi

Lalu Kumar @ Sundirak Kumar S/O Sagar Rai @ Ram Sagar Rai, R/O
Village- Bedaul, P.S.- Aurai, Dist.- Muzaffarpur.

... .. Petitioner

Versus

1. The State of Bihar
2. Babni Devi W/o Bablu Singh, R/o Village- Manpur Ratnawali, PS-
Runnisaidpur, Distt.- Sitamarhi.

... .. Opposite Party/s

Appearance:

For the Petitioner	:	Mr. Santosh Kumar, Advocate
For the Informant	:	Mr. Ayush Kumar, Advocate
For the State	:	Ms. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 10-05-2024 Heard Mr. Santosh Kumar, the learned counsel for the

petitioner, Mr. Ayush Kumar, the learned counsel for the informant
and Ms. Shaheen Begum, the learned Additional Public Prosecutor
for the State.

2. Petitioner seeks regular bail who is in custody since
18.12.2023, in connection with Mahila P.S. Case No. 28 of 2022,
FIR dated 30.09.2022, registered for the offences punishable under
Section 376 (DA) of the Indian Penal Code and under Sections 4
and 6 of POCSO Act.

3. Earlier the petitioner has moved before a co-ordinate
Bench of this Hon'ble Court in Cr. Misc. No. 75051 of 2023,
which was rejected vide order dated 05.12.2023.

4. According to the prosecution case, the co-accused



persons committed rape upon the the minor daughter of the informant.

5. 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 levelled in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR.

6. The learned counsel for the informant as well as the learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that the victim, in her statement recorded under Section 164 of the Cr.P.C., has firmly stated that the petitioner along with other co-accused persons has committed rape upon her.

7. Considering the aforesaid facts and circumstances, I am **not** inclined to enlarge the petitioner on bail in connection with Mahila P.S. Case No. 28 of 2022, pending in the Court of learned Additional District Judge-VI-cum-Special Judge (POCSO Act), Sitamarhi.

8. Prayer is refused.

(Rajesh Kumar Verma, J)

Shahnawaz/-

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