

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17437 of 2024

Arising Out of PS. Case No.-62 Year-2023 Thana- BALIGAON District- Vaishali

Rahul Kumar @ Dhauli Son Of Phulel Sahni Village- Kuria, P.S.- Baligaon,
District -Vaishali, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vasant Vikas, Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 26-04-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Baligaon P.S. Case No. 62 of 2023, lodged on 02.06.2023, under
Sections 376(D)/328/34 of the Indian Penal Code and under
Section 6 of the POCSO Act.

3. As per the prosecution, FIR has been lodged against
five named accused persons against whom there is allegation
that they all have committed gang rape against the grand-
daughter of the informant.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. Counsel
submits that the alleged victim itself in love affairs with
someone and unnecessarily the name of the petitioner has



inserted in the FIR. Counsel submits that antecedent of the petitioner is clean. He is in custody since 03.06.2023.

5. Learned counsel for the State opposes the prayer for bail and submits that on previous occasion this Hon'ble Court has called for the case-diary and statement under Section 164 Cr.P.C.

6. Upon perusal of the statement of the victim under Section 164 Cr.P.C., it transpires to this Court that victim girl has made specific allegation against five named accused persons including the present petitioner. As such, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for regular bail of the petitioner is hereby rejected.

(Dr. Anshuman, J)

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