

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20496 of 2024

Arising Out of PS. Case No.-20 Year-2022 Thana- MAHILA P.S. District- Vaishali

Gulshan Kumar @ Gulshan Paswan SON OF DINESH PASWAN
RESIDENT OF VILLAGE- PAHARPUR BISHANPUR, PS- MAHNAR,
DISTT- VAISHALI

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dhanwanti Devi Paharpur Bishanpur
2. DHANWANTI DEVI WFIE OF DAROGA PASWAN RESIDENT OF
VILLAGE- PAHARPUR BISHANPUR, PS- MAHNAR, DISTT-
VAISHALI

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravish Mishra

For the Opposite Party/s : Mr.Sanjay Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 03-07-2024 Heard the learned counsel for the petitioner as well
as the learned Additional Public Prosecutor for the State.

2. The petitioner is seeking regular bail in connection
with Mahila P.S. Case No. 20 of 2022 for the offences
punishable under Sections 376(ab) of the Indian Penal Code and
Sections 4/6 of the POCSO Act.

3. As per allegation, two daughters of the informant
were playing near the Government School. Meanwhile, the
petitioner came there and having given Rs. 5, he send the
younger sister to bring some biscuits. When the younger sister
left for bringing biscuit, the petitioner committed rape upon the



second daughter of the informant.

4. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. He is a person of clean antecedent. He has further submitted that the medical report does not suggest the sexual assault.

5. On the other hand, the learned APP has opposed the prayer for bail and submitted that the age of the victim is 10 years and there is specific allegation against the petitioner of committing rape upon her. He has further submitted that the trial is going on and six witnesses including the victim have been examined. All of them have supported the occurrence. The victim in her statement recorded under Section 164 of the CrPC has also supported the occurrence.

6. Considering the above-mentioned facts and circumstances, I am not inclined to grant bail, which is hereby rejected.

(Nawneet Kumar Pandey, J)

Nirmal/-

U		T	
---	--	---	--

