

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31656 of 2024

Arising Out of PS. Case No.-520 Year-2022 Thana- BANKA District- Banka

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Avinash Kumar son of Raj Kumar Yadav Resident of Chakkadih, Police
Station- Banka, Dist.- Banka

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ranjeet Yadav Son of Late Raghu Yadav Resident of Village - Chakkadih,
P.S. and District - Banka

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md.Najmul Hodda, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

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

ORAL ORDER

3 24-06-2024 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Banka
P.S. Case No. 520 of 2022 instituted for the offence under
Section 376 of the Indian Penal Code and Section 4 of the
POCSO Act.

3. Prosecution case as emanated from the FIR is that
the petitioner has raped the daughter of the informant.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 14-08-2022. Petitioner is a



man of clean antecedent.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. It is submitted that entire allegation as alleged by the informant is false and concocted. There is no eye witness to the occurrence. It is next submitted that there is previous enmity between the parties.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is submitted that allegation levelled in the FIR corroborates the statement of the victim recorded under Section 164 of the Cr.P.C. Victim is minor aged about 17 years.

7. In this regard, informant has sent a letter addressed to the Deputy Registrar (Administration) on 12-06-2024. From perusal of the letter, which is on record, it appears that three witnesses including the victim is examined and they have supported the allegations made in the FIR.

8. Considering the aforesaid facts and circumstances of the case, nature and gravity of the offence, there being direct allegation against the petitioner, this Court is not inclined to grant bail to the petitioner.

9. Accordingly, the prayer for grant of bail to the



petitioner is **rejected**.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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