

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36875 of 2024

Arising Out of PS. Case No.-514 Year-2023 Thana- DINARA District- Rohtas

Kabir Sah @ Kuber Kumar @ Latu @ Kuber Sah Son Of Sri Ram Ekbal Sah
Resident Of Village - Jigna, P.S. - Dinara, District - Rohtas

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Vikash Gond Son Of Late Banarasi Gond Resident Of Village - Jigna, P.S. -
Dinara, District - Rohtas

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Satya Ranjan Sinha, Advocate
For the State	:	Mr. Dinesh Singh, APP
For the Informant	:	Mr. Ritik Shah, Advocate
	:	Mr. Madan Mohan, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-07-2024 Heard Mr. Satya Ranjan Sinha, learned counsel for

the petitioner, Mr. Ritik Shah, learned counsel for the informant

as well as Mr. Dinesh Singh, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since

28.02.2024, in connection with Dinara P.S. Case No. 514 of

2023, FIR dated 15.10.2023 for the offences punishable under

Sections 376 of the Indian Penal Code and Section 4/6 of the

POCSO Act.

3. As per the prosecution case, the petitioner is said

to have brought informant's daughter forcibly to his house and

made physical relation with her and when informant's daughter

made noise then the accused threatened to kill her.



4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that from a bare perusal of the FIR it appears that the date of occurrence as alleged is 09.10.2023 but the present FIR instituted on 15.10.2023 after a delay of six days without giving any explanation for the delay. The petitioner is rotting in judicial custody since 28.02.2024.

5. Learned counsel for the informant as well as learned APP for the State vehemently opposed the prayer for bail of the petitioner and submits that the statement of the victim was recorded under Section 164 Cr.P.C. in which she has categorically stated that the petitioner has committed rape upon her apart from that the medical evidence also supported the allegation as alleged in the FIR.

6. Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail in connection with Dinara P.S. Case No. 514 of 2023 pending in the Court of A.D.J.-VII-cum-Exclusive Special Judge, Prevention of Children from Sexual Offences (POCSO) Act,



Rohtas at Sasaram.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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