

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31497 of 2024

Arising Out of PS. Case No.-425 Year-2023 Thana- KATORIYA District- Banka

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Ankur Kumar Kesari @ Ankur Kr. Keshari Son Of Ashok Kumar Keshri
Resident Of Village - Katoriya, Police Station - Katoriya, District - Banka

... .. Petitioner

Versus

1. The State Of Bihar
2. Manoj Kumar Gupta Son Of Late Chandrika Prasad Sah Resident Of Village
- Katoriya, Police Station - Katoriya, District - Banka

... .. Opposite Partys

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Appearance :

For the Petitioner : Mr.Ajay Mukherjee, Advocate
For the Opposite Party : Mr.Parmanand Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 18-09-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Katoriya P.S. Case No. 425/2023 dated 19.12.2023 registered for the offence punishable u/s 376 read with section 34 of the Indian Penal Code and Section 4 of the POCSO Act.

3. As per the prosecution case, the petitioner is alleged to have committed rape on the informant's minor daughter by enticing her.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in



this case. There was love affair between the petitioner and the victim. Learned counsel has submitted that the victim has been medically examined, but no sign of physical assault or rape has been found on the body of victim. The petitioner has one antecedent on which he is on bail as stated in para 3 of the bail petition. The petitioner is in custody since 03.01.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that the victim is a minor girl. As per the Medical Report, the age of the victim is assessed as 14-16 years. Further, the Medical Report does not indicate that there is no sign of physical assault or rape. It is further submitted that the victim in her statement recorded u/s 161 of the Cr.P.C. has supported the prosecution story.

6. Considering the aforesaid facts and circumstances of the case as well as the heinous nature of allegation against the petitioner, this Court is not inclined to grant bail to the petitioner and the same is rejected in connection with Katoriya P.S. Case No. 425/2023 pending in the court of learned Additional Sessions Judge 6 cum Special Judge POCSO, Banka.

7. This application stands rejected.

(Chandra Prakash Singh, J)

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