

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32092 of 2024

Arising Out of PS. Case No.-119 Year-2022 Thana- KARAKAT District- Rohtas

Arjun Tiwari S/O Late Kashinath Tiwari, R/O Vill.- Manik Parasi, P.S.-
Karakat, Dist.- Rohtas.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Sarfraz Ahmad, Advocate
For the Opposite Party : Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 3 05-07-2024 Heard Mr. Sarfraz Ahmad, the learned counsel for

the petitioner and Mr. Abhay Kumar Roy, the learned

Additional Public Prosecutor for the State.
2. Petitioner seeks regular bail who is in custody since

04.08.2022, in connection with Karakat P.S. Case No. 119 of

2022, FIR dated 11.07.2022, registered for the offences

punishable under Sections 363 and 366(A) of the Indian Penal

Code and under Section 12 of the POCSO Act.
3. Earlier the petitioner has moved before this

Hon'ble Court in Cr. Misc. No. 4751 of 2023, which was

rejected vide order dated 17.07.2023.
4. According to the prosecution case, the daughter of

the informant was working at the house of one Rahila Kunwar.

It is further alleged that the sons of Rahila Kunwar namely,



Prem Tiwari and Arjun Tiwari raped the informant's daughter and sold her and when the informant inquired about the same they assaulted him.

5. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR.

6. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and referred to the previous order dated 17.07.2023 passed in Cr. Misc. No. 4751 of 2023, which suggests that in the statement of the victim, which was recorded under Section 164 of the Cr.P.C., she has firmly stated that the petitioner has committed rape upon her. Apart from that, the medical report of the victim also suggests that she was subjected to sexual assault by the petitioner. In addition to that, on the date of occurrence the victim was minor and the report of the learned trial Court reveals that trial is going on and five witnesses have already been examined.

7. Considering the aforesaid facts and circumstances and the report of the learned trial Court, I am **not** inclined to enlarge the petitioner on bail in connection with Karakat P.S.



Case No. 119 of 2022, pending in the Court of learned
Additional District Judge-VII-cum-Exclusive Special Judge
POCSO Act, Sasaram.

8. Prayer is refused.

(Rajesh Kumar Verma, J)

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