

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35759 of 2024

Arising Out of PS. Case No.-33 Year-2023 Thana- MAHILA PS District- East Champaran

Akash Kumar S/O Subhash Sah Resident Of Village Bahadurpur, P.S.-
MEHSI, District- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lokesh Kumar, Advocate

For the Opposite Party/s : Mr. Usha Kumari 1, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 31-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody in connection with
POCSO Trial No 81 of 2023 arising out of Mahila P.S Case No.
33 of 2023 from the Court of learned 7th Additional Sessions
Judge-cum-Special Judge POCSO Act, East Champaran,
Motihari registered for the offences punishable under Section
323, 341, 376(AB) of the I.P.C, Section 4 & 6 of POCSO Act
and Section 3(i)(r)(s), 3(2)(va) of SC/ST Act.

3. As per allegation in the FIR, it is alleged that
petitioner took the minor daughter of the informant with himself
and outraged her modesty.

4. Learned counsel for the petitioner submits that



petitioner has falsely been implicated in this case. It is also submitted that petitioner is in judicial custody since 29.05.2023 and petitioner has got no criminal antecedent as stated in para 3 of the bail petition.

5. However, learned APP for the State oppose the prayer for regular bail of the petitioner and submitted that allegation against accused-petitioner is heinous.

6. On perusal of the FIR, Case diary and impugned order dated 06.01.2024 it appears that allegation against accused petitioner is very serious which has been corroborated by victim in her statement under Section 164 Cr.P.C Medical Officer has also found bite marks on victim's chest. Victim as per medical report is below five years of age.

7. Considering the aforesaid facts and circumstances of the case this Court is not inclined to grant bail to the petitioner. Hence, prayer for regular bail of the petitioner is hereby rejected.

(Ramesh Chand Malviya, J)

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