

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39356 of 2024

Arising Out of PS. Case No.-9 Year-2024 Thana- SANGRAMPUR District- East Champaran

Deepak Kumar Son of Rajbanshi Mukhiya, R/o Village- Bhawanipur Bin Toli
Bandh, PS- Sangrampur, Dist- East Champaran.

... .. Petitioner

Versus

1. The State of Bihar.
2. Ramawati Devi Wife Of Birbal Mukhiya, R/o Village- Bhawanipur Bin Toli
Bandh, Ps- Sangrampur, Dist- East Champaran,

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Samir Kumar, Advocate
For the Opposite Party	:	Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 18-09-2024 Heard Mr. Samir Kumar, the learned counsel for
the petitioner, the learned counsel for the informant and Mr.
Yogendra Kumar, the learned Additional Public Prosecutor for
the State.

2. Petitioner seeks regular bail who is in custody since
11.01.2024, in connection with Sangrampur P.S. Case No. 09 of
2024, FIR dated 10.01.2024, registered for the offences
punishable under Sections 376(3) and 493 of the Indian Penal
Code and under Sections 4 and 6 of the POCSO Act.

3. According to the prosecution case, when the
informant's minor daughter didn't return home on time, the
informant went looking for her and saw her with the petitioner
and inquired her about the same to which she replied that under



the pretext of marriage, the petitioner has established physical relationship with her and this is going on for around one year and now the petitioner is refusing to marry her.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. In fact, the petitioner was in love with the victim girl and with the consent of the victim, the petitioner was in relationship with the victim.

5. The learned counsel for the informant as well as the learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that from perusal of the FIR, it appears that there is direct and specific allegation against the petitioner that he has committed rape upon the victim. Apart from that, the victim in her statement recorded under Section 164 of the Cr.P.C. has firmly stated that the petitioner committed rape upon her and the medical report also suggests that the allegation as levelled in the FIR is true and the victim was indeed minor at the date of alleged occurrence.

6. Considering the aforesaid facts and circumstances, I am **not** inclined to enlarge the petitioner on bail in connection with Sangrampur P.S. Case No. 09 of 2024, pending in the



Court of learned Additional Sessions Judge-VI-cum-Special
Judge, POCSO Act.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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