

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37898 of 2024

Arising Out of PS. Case No.-402 Year-2023 Thana- MEHSI District- East Champaran

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1. Pintu Kumar S/o Awadesh Pandit R/o vill - Ghasiyari Chak, P.S. - Mehshi, Distt. - East Champaran
 2. Manoj Kumar Paswan S/o Naga Paswan R/o vill - Ghasiyari Chak, P.S. - Mehshi, Distt. - East Champaran

... .. Petitioners

Versus

1. The State of Bihar
2. Anita Devi W/o Vijay Sah R/o vill - Ghasiyari Chak, ward no. 3, P.S. - Mehshi, Distt. - East Champaran

... .. Opposite Partys

Appearance :

For the Petitioner : Mr. Dhurendra Kumar
For the Opposite Party : Mr. Md. Fahimuddin

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

6 25-09-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners have preferred this application for grant of regular bail in connection with Mehshi P.S. Case No. 402/2023 dated 17.12.2023 registered for the offence punishable u/s 376 and 376DA of the Indian Penal Code and Sections 3 and 4 of the POCSO Act.

3. As per the prosecution case, the petitioners are alleged to have committed rape on the informant's minor daughter who is deaf and dumb one after another.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. Learned counsel has submitted that the statement of the victim was recorded u/s 164 of the Cr.P.C. with



the help of special interpreter and her videography was also held and the victim girl claimed to identify the accused persons by seeing them but when T.I.P. of the petitioners were held, the victim failed to identify them. The petitioner no. 1 is accused in one more criminal case whereas the petitioner no. 2 has clean antecedent as stated in para 3 of the bail petition. The petitioners are in custody since 18.12.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners by submitting that the victim is a minor girl. The victim in her statement recorded under Section 164 of the Cr.P.C. has supported the prosecution case.

6. Considering the aforesaid facts and circumstances of the case as well as the heinous nature of allegation against the petitioners, this Court is not inclined to grant bail to the petitioners and the same is rejected in connection with Mehshi P.S. Case No. 402/2023 pending in the court of learned Special Judge, POCSO Act, Motihari, East Champaran.

7. This application stands rejected.

(Chandra Prakash Singh, J)

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