

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39075 of 2024

Arising Out of PS. Case No.-229 Year-2023 Thana- KALUAHI District- Madhubani

Balram Singh Son of Bimal Singh @ Vinod Singh Resident of Village - Narar (WEST), Ward No. 5, P.S. - Kaluahi, District - Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sakshi Kumari Daughter of Ram Pravesh Choudhary Under Guardianship of His Father Ram Pravesh Choudhary, Resident of Narar Than Tole, P.S. - Kaluahi, District - Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Kusum Rani, Advocate
For the State	:	Ms. Renu Kumari, APP
For the Informant	:	Mr. Shailendra Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 18-09-2024 Heard Ms. Kusum Rani, learned counsel for the petitioner, Mr. Shailendra Kumar Jha, learned counsel appearing on behalf of the informant as well as Ms. Renu Kumari, learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 05.12.2023 in connection with Kaluahi P.S. Case No. 229 of 2023, F.I.R. dated 25.10.2023 for the offences punishable under Sections 341, 323, 363, 366(A), 376, 506/34 of the Indian Penal Code and Sections 3 and 4 of the POCSO Act.

3. According to prosecution case, this petitioner has abducted the minor daughter of the informant and committed rape upon her.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been



implicated in the present case. She further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor on the basis of material available on record as well as case dairy have vehemently opposed the prayer for bail of the petitioner and submits that the victim was recovered and her statement was recorded under Section 164 of the Cr.P.C. in which she has categorically stated that the petitioner has abducted her and committed rape upon her and the medical report of the victim also suggest that she has been sexually assaulted by the petitioner. They further submits that at the time of medical examination, the age of the victim was 16 years.

6. Considering the aforesaid facts and circumstances, I am not inclined to enlarge the petitioner on bail in connection with Kaluahi P.S. Case No. 229 of 2023 pending in the court of learned Judicial Magistrate 1st Class, Madhubani.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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