

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41404 of 2024

Arising Out of PS. Case No.-536 Year-2023 Thana- BIRAUL District- Darbhanga

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Amarjeet Sada Son of Malvar Sada Resident of Village- Bhawanipur, P.S.-
Biraul, District- Darbhanga Petitioner/s

Versus

1. The State of Bihar
2. Kari Sada Son of Siyaram Sada Resident of Village And P.O. - Bhavanipur,
P.S.- Biraul, District- Darbhanga

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jaishankar Kumar Yadav, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 18-09-2024 Heard Mr. Jaishankar Kumar Yadav, learned counsel

for the petitioner and Mr. Uday Pratap Singh, learned Additional

Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
09.12.2023 in connection with Biraul P.S. Case No. 536 of
2023, F.I.R. dated 04.11.2023 for the offences punishable under
Section 376 of the Indian Penal Code and Sections 4/6 of the
POCSO Act.

3. According to prosecution case, this petitioner has
kidnapped and committed rape upon the minor daughter of the
informant who is mentally unsound and also tried to kill her.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He 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. He further submits that the date of occurrence as alleged in the F.I.R is 04.11.2023 but the present F.I.R has been instituted on 08.11.2023 i.e. after delay of about 4 days without giving any explanation of the said delay.

5. Learned Additional Public Prosecutor on the basis of material available on record as well as case diary has vehemently opposed the prayer for bail of the petitioner and submits that the statement of the victim was recorded under Section 164 of the Cr.P.C. in which she has categorically stated that the petitioner has committed rape upon her and apart from that the victim is mentally unsound. He further submits that as per the date of birth mentioned in victim's birth certificate, the victim was minor at the time of occurrence.

7. Considering the aforesaid facts and circumstances, I am not inclined to enlarge the petitioner on bail in connection with Biraul P.S. Case No. 536 of 2023 pending in the court of learned Exclusive Special Judge (POCSO Act), Darbhanga.

8. Prayer is refused.

(Rajesh Kumar Verma, J)

Vanisha/-

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