

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48338 of 2024

Arising Out of PS. Case No.-188 Year-2021 Thana- FATEHPUR District- Gaya

Munarik Turiya @ Mundrika Turiya Son of Arjun Turiya R/O Vill.-
Harakuraha, P.S.- Fatehpur, Dist.- Gaya, Bihar

... .. Petitioner/s

Versus

1. The State Of Bihar
2. xxx wife of yyy r/o vill.- Harakuraha, P.S.- Fatehpur, Dist.- Gaya, bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Alka Singh, Advocate
For the State	:	Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 18-10-2024 Heard Mrs. Alka Singh, learned counsel for the

petitioner and Mr. Manoj Kumar, learned A.P.P. appearing on

behalf of the State.

2. The petitioner seeks bail, who is in custody since
08.04.2023, in connection with Fatehpur P.S. Case No. 188 of
2021, FIR dated 09.06.2021 registered for the offence under
Sections 376(AB) and 376(D) of the Indian Penal Code and
Section 6 of the POCSO Act.

3. Earlier the prayer for bail of the petitioner was
rejected vide order dated 20.09.2023 passed in Cr. Misc. No.
50733/2023.

4. Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is



innocent and he has falsely been implicated in this case. He further submits that as per the allegation in the FIR petitioner along with other co-accused persons are alleged to have committed rape upon the minor daughter of the informant. The petitioner is rotting in judicial custody since 08.04.2023.

5. Learned A.P.P. for the State, on the other hand, has opposed the prayer for bail of the petitioner and submits that statement of the victim was recorded under Section 164 Cr.P.C. in which she has categorically stated that the petitioner has committed rape upon her and apart from that the date of birth of the victim recorded as 20.09.2009 which suggests that the victim was minor at the time of occurrence.

6. Considering the aforesaid facts, there is direct and specific allegation against the petitioner to commit rape upon the victim who was minor at the time of the occurrence, I am not inclined to enlarge the petitioner on bail in connection with Fatehpur P.S. Case No. 188/2021 pending in the Court of learned Special Judge, P.O.C.S.O. Court-cum District and Session Judge, VI, Gaya.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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