

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57236 of 2024

Arising Out of PS. Case No.-20 Year-2024 Thana- Champanagar District- Purnia

FUL KUMAR S/O MAHAVIR MAHTO R/O VILLAGE- PRASADPUR,
WARD NO. 5, P.S- CHAMPANAGAR, DISTT.- PURNEA.

... .. Petitioner/s

Versus

- 1. THE STATE OF BIHAR
- 2. FULA DEVI W/O RAJESH MAHTO R/O VILLAGE- PRASADPUR,
BELDARI, WARD NO. 5, P.S.- CHAMPANAGAR, DIST- PURNEA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Advocate
For the Opposite Party/s : Mr. Rajendra Singh, APP
For the Informant : Mr. Bidhu Ranjan, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 20-11-2024 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. The petitioner seeks bail in connection with
instituted for the offences under Sections 366A, 376, 34 of the
Indian Penal Code and 3, 4, 5, 7 of the POCSO Act.

3. Prosecution case, in short, is that the accused
persons including the petitioner committed rape upon the
daughter of the complainant/informant.



4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Learned counsel further submitted that complainant filed a complaint case before the learned ADJ VI-cum-Special Judge, POCSO Act, Purnea on 06.03.2024 and, later on, referred to the police under Section 156(3) of the Cr.P.C. Learned counsel further submitted that prosecution case is completely false and the medical report of the victim also does not support the allegation as levelled in the complainant petition. Charge-sheet has been submitted in this case. It has been submitted on behalf of the petitioner that the petitioner is in custody since 20.05.2024 and has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned counsel further submitted that paragraph no. 5 of the complaint specifically states the allegation against the petitioner. Learned counsel further submitted that victim, in her statement recorded under Section 164 of the Cr.P.C. has specifically corroborated the case of the prosecution.

6. Considering the aforesaid facts and circumstances of the case, statement of the victim recorded under Section 164 of the Cr.P.C., this Court is not inclined to grant bail to the



petitioner.

7. Accordingly, the prayer for grant of bail to the petitioner is rejected.

8. Learned Trial Court is directed to expedite the trial.

(Rudra Prakash Mishra, J)

Alok Verma/-

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