

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56636 of 2024

Arising Out of PS. Case No.-238 Year-2022 Thana- BETTIAH CITY District- West
Champaran

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Kisan Kumar @ Sagar Kumar Srivastava S/o Sri Binod Kumar Srivastava R/o
Puneibagh, ward no. 32, P.S. - Bettiah Town, Distt- West Champaran, Bihar
... .. Petitioner/s

Versus

1. The State of Bihar
2. Sandhya Devi W/o Shree Manoj Kumar Singh R/o Piuni Bag, near Leather
Factory, ward no. 32, Distt. - West Champaran
... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vishal Prasad, Advocate
For the Opposite Party/s : Mr. Anil Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 04-09-2024 Heard Mr. Vishal Prasad, learned counsel for the
petitioner and Mr. Anil Kumar, learned APP for the State.

2. Petitioner seeks bail, who is in custody since
17.04.2022, in connection with Bettiah Town P.S. Case No. 238 of
2022, F.I.R. dated 04.04.2022 registered for the offences
punishable under Sections 363/366(A) of the Indian Penal Code
and Section 8 of the POCSO Act.

3. Earlier the bail petition of the petitioner was
rejected vide order dated 05.01.2024 passed in Cr. Misc. 69582 of
2023 by a Coordinate Bench of this Hon'ble Court.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely
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 offence as alleged in the F.I.R.

5. Vide order dated 02.08.2024 a report was called for with regard to the stage of the trial. Report dated 17.08.2024 of the learned Trial Court reveals that out of eight chargesheeted witnesses, five prosecution witnesses have already been examined and the case is pending for the evidence of rest three prosecution witnesses.

6. Learned APP for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner that he has committed rape with the victim girl.

7. Considering the nature of allegation as alleged in the F.I.R. as well as the report of the learned Trial court, I am not inclined to enlarge the petitioner on bail in connection with Bettiah Town P.S. Case No. 238 of 2022 pending in the Court of learned Additional District & Sessions Judge-VI-cum-Special Judge POCSO Bettiah, West Champaran.

8. Prayer is refused.

9. However, the learned Trial court is directed to expedite the trial and conclude the same at the earliest.

(Rajesh Kumar Verma, J)

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