

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56708 of 2024

Arising Out of PS. Case No.-42 Year-2024 Thana- Piplawa District- Patna

Amitesh Kumar @ Tonu Kumar son of Rajdev Sonar @ Rajdev Prasad Sonar
Village- Adampur, Piplawa Ps- Piplawa Pitwas Dist- Patna
... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Pappu Vishwakarma S/o Rairup Mistiri Resident at Piplawa (Pitwas), P.s. - Piplawa (Pitwas), Distt. - Patna
... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 56840 of 2024

Arising Out of PS. Case No.-42 Year-2024 Thana- Piplawa District- Patna

Niraj Kumar son of Manoj Saw Village- Adampur Piplawan Ps- Piplawan Pitwas Dist- Patna
... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Pappu Vishwakarma son of Rajrup Mistri At- Piplawa Ps- Piplawa Dist- Patna
... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 57119 of 2024

Arising Out of PS. Case No.-42 Year-2024 Thana- Piplawa District- Patna

Jai Prakash Kumar son of Om Prakash Keshri @ Om Prakash @ Gorakh Keshri @ Om Kesari Kesari Village- Adampur , Behind Shiv Mandir, Piplawan Ps- Piplawan Pitwas Dist- patna
... .. Petitioner/s

Versus

The State of Bihar
... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 56708 of 2024)
For the Petitioner/s : Mr.Gauri Shankar Yadav, Adv.
For the Opposite Party/s : Mr.Ram Naresh Ray, APP
(In CRIMINAL MISCELLANEOUS No. 56840 of 2024)
For the Petitioner/s : Mr.Gauri Shankar Yadav,Adv.
For the Opposite Party/s : Mr.Navin Kumar Pandey, APP
(In CRIMINAL MISCELLANEOUS No. 57119 of 2024)
For the Petitioner/s : Mr.Gauri Shankar Yadav, Adv.
For the Opposite Party/s : Mr.Navin Kumar Pandey, APP



CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 19-11-2024 Since all the aforesaid three petitions arise out of same PS Case i.e. Piplawa (Pitwas) PS Case No. 42/2024, they have been heard together and are being disposed of by a common order.

2. The petitioners are in judicial custody in connection with Piplawa (Pitwas) PS Case No. 42/2024 for the offences punishable under Sections 328, 341, 342, 354(A), 354©, 376(B), 376(D), 363, 366(A), 506/34 of the IPC, 66(E), 67(A), 67(B) of the IT Act and 4,6,8,12,14 of the POCSO Act, lodged on 29.03.2024 by the informant, Pappu Vishwakarma.

3. As per the prosecution story, the informant alleged that the victim girl was returning home after buying goods when the accused persons after making her unconscious, took her to a tent house and then wrong doing is/are alleged. Further allegation is that the hut, where they kept the girl, was put on fire but the people entered and brought her out in an unconscious condition. This led to the FIR.

4. Learned counsel for the petitioners submits that a perusal of the FIR would show that exaggerated allegations have been made which resulted into their incarceration since 04.04.2024 (para-4 of the petition).



5. In this case, case diary as also the statement of the victim girl and the medical report were called for by the Co-ordinate Bench which are on record and the 164 CrPC statement of the victim girl shows that she claims that one of the boys made her unconscious and when she regained her consciousness, found herself with her mother in her house.

6. Learned counsel for the informant, on the other hand, has taken this Court to the observation made by the learned Judicial Magistrate 1st Class, Patna (who recorded the statement under section 164 of the CrPC) in which she recorded that the victim girl became repeatedly unconscious while making statement and when she was brought back to consciousness, started crying. The learned Judicial Magistrate 1st Class, Patna thereafter inquired from her mother who stated that after the said incident, she repeatedly becomes unconscious and starts screaming that she would be killed. He submits that the fact remains that the hut was put on fire and she was brought out by the local public which resulted into her being alive today.

7. There are three parts of the story. One is putting her in an unconscious state by using some intoxicant, it is followed by the allegation of rape and subsequently, the hut was put on fire. The statement of the victim girl may not clarify



whether the rape was committed or not, the fact remains that the learned Judicial Magistrate, 1st Class has recorded that she repeatedly became unconscious while recording her statement. This shows that the incident has actually affected her body/mind. Further, as per investigation, she was brought out from a hut which was put on fire.

8. The petitioners being responsible for that, for the present, this Court is not inclined to extend them the privilege of bail which is/are rejected.

(Rajiv Roy, J)

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