

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55338 of 2023

Arising Out of PS. Case No.-45 Year-2023 Thana- MARANCHI District- Patna

Vikash Kumar @ Vikesh Kumar Son of Shri Ram Ratan Prasad Singh
Resident of Village-Pachmahla, O.P.-Pachmahla, P.S.-Marachi, District-Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dipak Kumar

For the Opposite Party/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 29-01-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The instant application for regular bail has been
filed by the petitioner in connection with Maranchi P.S.
Case no. 45 of 2023, Special (POCSO) Case No. 101 of
2023 u/s 376 IPC and Section 4/6 of the POCSO Act,
Section 3(1)(v)s(W)/3(2)(V)/3(2)(va) of the SC/ST Act.

3. As per allegation in the FIR, victim aged about
17 years while going to attend natural call, four accused
persons including the petitioner caught her and forcibly
petitioner committed rape firstly and thereafter she was
gang raped by all remaining accused persons as a result of
which she became unconscious. After getting sense, she



found herself on bed of Referral Hospital, Barahiya.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. As per medical report, no sign of rape was found and she is major and her has been accessed as 18 or above 18 years by the doctor. Both parties are co-villager. He Petitioner is languishing in judicial custody since 5.4.2023.

5. Learned APP appearing for the State and learned counsel for the informant have opposed the prayer of bail and submitted that statement of the victim girl was recorded u/s 164 Cr.P.C. in which she has stated that petitioner has closed her mouth and forcefully committed rape. As per deposition, her age is between 16-17 years. Victim herself is the author of the FIR.

6. Having heard learned counsel for the parties and taking into consideration that there is direct allegation of committing rape against the petitioner upon the informant/victim, I am not inclined to grant bail to the petitioner and, as such, his application for bail is rejected.

The trial court is directed to expedite and conclude



the trial.

(Sunil Kumar Panwar, J)

sushma/-

U			
---	--	--	--

