

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61098 of 2024

Arising Out of PS. Case No.-706 Year-2022 Thana- JOGAPATTI District- West Champaran

Mukesh Ram Son Of Raushan Ram Village- Balua Murat Rai Ps
-YOGAPATTI District- West Champaran Petitioner/s
Versus

1. The State of Bihar
2. Om Prakash Mishra son of Kanti Mishra Village- Balua Bhawani Rai, Ps-
yogapatti, Dist- West champaran
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvesh Kashyap, Advocate
For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 04-10-2024 Heard Mr. Sarvesh Kashyap, learned counsel for

the petitioner and Mr. Tapeswar Sharma, learned A.P.P. for the

State.

2. The petitioner seeks bail, who is in custody since
13.01.2023, in connection with Yogapatti P.S. Case No. 706 of
2022, FIR dated 24.12.2022 for the offences punishable under
Sections 366(A) and 34 of the Indian Penal Code and Sections
8/12 of the POCSO Act.

3. Earlier the prayer for bail of the petitioner was
rejected vide order dated 06.09.2022 passed in Cr. Misc. No.
58010 of 2023.

4. Learned counsel for the petitioner submits that
the petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that as per the



allegation in the FIR the birth of the victim shown as 07.10.2012 but in actual she is at least 18 years old and the same is opined by the doctor in her medical examination. So, no case is made out against the petitioner under the POCSO Act. The petitioner is rotting in judicial custody since 13.01.2023.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the statement of victim was recorded under Section 164 Cr.P.C. in which she has categorically stated that the petitioner has committed rape upon her and date of birth of the victim as mentioned in the school certificate is 07.10.2012 which suggests that on the date of occurrence the victim was minor and there is direct and specific allegation of committing rape upon the victim is against the petitioner.

6. Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail in connection with Yogapatti P.S. Case No. 706 of 2022 pending in the Court of learned Special Judge POCSO Cum A.D.J. VI, Bettiah, West Champaran.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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