

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61285 of 2024

Arising Out of PS. Case No.-53 Year-2024 Thana- KONCH District- Gaya

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1. Vikram Rathaur @ Gaurab @ Garaub Kumar S/o- Dilip Singh Resident of Village- Shankar Bigha, P.S. Konch, District Gaya
 2. Satyam Kumar @ Mallu son of Ajay Singh Resident of Village- Shankar Bigha, P.S. Konch, District- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Upendra Das Son of Jogi Das Village- Barbalpur Ps- Guraru Dist- Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashi Kant, Adv.
For the Opposite Party/s : Mrs.Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 10-09-2024 Heard learned counsel for the petitioners and learned A.P.P for the State.

2. The petitioners have preferred this application for grant of regular bail in connection with Konch P.S. Case No. 53 of 2024 dated 02.02.2024 registered for the offences punishable u/ss 376DA of the Indian Penal Code and Section 6 of the POCSO Act and Sections 3(1)(w), 3(1)(w)(i), 3(2)(v) of the Indian Penal Code.

3. As per the prosecution case, the co-accused, Ashish Kumar along with two unknown persons is alleged to have committed rape on the informant.



4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. The petitioners are not named in the F.I.R. The name of the petitioners has transpired in this case during the course of investigation. No T.I.P. has been conducted by the prosecution. Learned counsel has further submitted that the petitioners are the cousins and members of the same family and they have no concern with the alleged offence. The petitioners have clean antecedent as stated in para 3 of the bail petition. The petitioners are in custody since 18.05.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners and submitted that there is serious and heinous nature of allegation against the petitioners who committed rape on the minor victim girl. Learned counsel has further submitted that the victim has identified the photographs of the petitioners and has stated that these petitioners have committed rape on her. From perusal of paragraph no. 52 of the case diary, it appears that the tower location of the mobiles of the petitioners on the date and time of the alleged occurrence was found near the place of occurrence.

6. Considering the aforesaid facts and circumstances of the case as well as the heinous nature of offence is against the petitioners, I am not inclined to enlarge the petitioners above-



named on bail.

7. The application stands rejected.

(Chandra Prakash Singh, J)

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