

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63911 of 2024

Arising Out of PS. Case No.-141 Year-2022 Thana- MEHANDIGANJ District- Patna

Kamlesh Kumar Kamal Son of Subhash Choudhari @ Subash Prasad
Resident of village -Hardas Bigha (Posia Tola) PS -Khusrupur District -Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sabita Devi Wife of Munna Mahto Village- Ranipur Murlighar, Ps-
Mehandiganj, Dsit- Patna

... .. Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-11-2024 Heard Mr. Mungeshwar Kumar, learned counsel

for the petitioner and Mr. Anil Kumar, learned Additional Public

Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
19.09.2022 in connection with Spl. (POCSO) Case No. 50 of
2023 arising out of Mehandiganj P.S. Case No. 141 of 2022,
F.I.R. dated 11.09.2022 for the offences punishable under
Sections 363 and 365 of the Indian Penal Code and Sections 4
and 6 of the POCSO Act and later on Section 376 of the Indian
Penal Code was added.

3. Earlier the bail application of the petitioner was
rejected vide order dated 19.06.2023 passed in Cr. Misc. No.



14947 of 2023. He again moved before this Hon'ble Court in Cr. Misc. No. 19976 of 2024 but the same was dismissed as withdrawn vide order dated 20.03.2024.

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

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the victim has supported the case of the prosecution and she has categorically stated that the petitioner has forcefully established physical relationship with her and at the time of the occurrence, the victim was minor.

6. Considering the aforesaid facts and circumstances, I am not inclined to enlarge the petitioner on bail in connection with Spl. (POCSO) Case No. 50 of 2023 arising out of Mehandiganj P.S. Case No. 141 of 2022 pending in the court of learned Additional District & Sessions Judge VII cum Special Judge, POCSO, Patna.

7. Prayer is refused.



8. However, learned Trial Court is directed to expedite
and conclude the trial at the earliest.

(Rajesh Kumar Verma, J)

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