

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66288 of 2024

Arising Out of PS. Case No.-211 Year-2023 Thana- NASRIGANJ District- Rohtas

Amit Kumar Son of Suresh Singh @ Telha Mahto R/o - Pokharahan Atimi,
P.S - Nasariganj, District - Rohtas

... .. Petitioner

Versus

1. The State of Bihar
2. Jitendra Yadav Son of Nand Kumar Yadav Village - Pokharaha, Ps-
Nasariganj, Dist- Rohtas

... .. Opposite Parties

Appearance :

For the Petitioner : Mr. Sanjay Kumar Tiwary, Advocate
For the Opposite Party : Mr. Ajay Kumar Jha, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 22-11-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Nasariganj P.S. Case No. 211 of 2023 dated 19.07.2023 registered for the offences punishable under Sections 366A and 376 read with section 34 of the Indian Penal Code and later on added Sections 4 and 6 of the POCSO Act.

3. As per the prosecution case, the petitioner is alleged to have kidnapped the minor daughter of the informant and committed rape on her.

4. Learned counsel for the petitioner has submitted



that the petitioner is innocent and has falsely been implicated in this case. Learned counsel has submitted that the victim has denied for medical examination. Learned counsel has further submitted that the occurrence took place on 16.04.2023 and the Complaint case was filed on 12.04.2023 before the learned A.C.J.M, Bikramganj, Rohtas which creates doubt how the complaint case was being filed prior to the occurrence. The other co-accused persons have already been granted bail by this court *vide* order dated 19.06.2024 passed in Cr. Misc. No. 41254/2024. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 28.06.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that the victim is a minor girl. The victim in her statement recorded u/s 164 of the Cr.P.C. has supported the prosecution case and has stated that the petitioner committed rape on her forcibly. It is further submitted that the occurrence took place on 16.04.2023 and the complaint case was filed on 19.04.2023 whereas the F.I.R. was registered on 19.07.2023.

6. Considering the aforesaid facts and circumstances of the case as well as the specific and



heinous nature of allegation against the petitioner, this Court is not inclined to grant bail to the petitioner and the same is rejected in connection with Nasariganj P.S. Case No. 211 of 2023, pending in the court of learned A.D.J.VII-cum-Exclusive Special Judge,POCSO, Sasaram, Rohtas.

7. This application stands rejected.

(Chandra Prakash Singh, J)

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