

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63293 of 2023

Arising Out of PS. Case No.-679 Year-2023 Thana- DANAPUR District- Patna

Vikash Kumar Son Of Dhanman Rai Resident Of Village -KALI Asthan, Ps-
Danapur, Distt- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ghanshyam Tiwary, Advocate
For the State : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 27-02-2024 Heard Mr. Ghanshyam Tiwary, learned counsel for
the petitioner and Mr. Nawal Kishore Prasad, learned APP for
the State.

2. The petitioner is apprehending his arrest in
connection with Danapur P.S. Case No. 679 of 2023, F.I.R.
dated 20.05.2023 for the offences punishable under Sections
354(A), 354, 376 and 511 of the Indian Penal Code and Section
8/12 of the POCSO Act.

3. According to prosecution case, the petitioner tried
to commit rape upon the daughter of the informant.

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. He further submits that statements of the victim was recorded under Sections 161 Cr.P.C and 164 Cr.P.C. He further submits that from a bare perusal of the statement of the victim recorded under Sections 161 Cr.P.C and 164 Cr.P.C it appears that both are contrary to each other.

5. The learned Additional Public Prosecutor, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the allegation as alleged is supported by the victim in her statement recorded under Section 164 Cr.P.C. in which she has categorically stated that the petitioner had tried to commit rape upon her and apart from that a number of witnesses have also supported the case of the prosecution.

6. Considering the allegation as alleged in the F.I.R and the material available on record, I am not inclined to grant the privilege of anticipatory bail to the petitioner in connection with Danapur P.S. Case No. 679 of 2023 pending in the court of A.D.J.-VII-cum-Exclusive Special Judge Court POCSO Act, Patna.

7. Prayer in refused.

(Rajesh Kumar Verma, J)

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