

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64779 of 2024

Arising Out of PS. Case No.-86 Year-2024 Thana- CHANDRADIP District- Jamui

Nitish Kumar Son of Awadh Mahto @ Avdesh Mahto, R/O Vill.- Tetariya,
P.S.- Chandradeep, Dist.- Jamui.

... .. Petitioner

Versus

1. The State of Bihar.
2. Rakhi Kumari D/o Daso Yadav, R/O Vill.- Tetariya, P.S.- Chandradeep,
Dist.- Jamui.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Umesh Prasad, Advocate

For the Opposite Party/s : Mr. Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-10-2024 Heard Mr. Umesh Prasad, the learned counsel for

the petitioner and Mr. Satyendra Prasad, the learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in

connection with Chandradeep PS Case No. 86 of 2024, FIR

dated 08.05.2024, registered for the offences punishable under

Section 376 of the Indian Penal Code and under Section 4 of the

POCSO Act.

3. According to the prosecution case, the petitioner

committed rape upon the minor informant.

4. Learned counsel for the petitioner submits that

petitioner has clean antecedent and he has falsely been



implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He lastly submits that there is no eyewitness to the alleged occurrence and petitioner has been made accused in the present case due to ulterior motive.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that the victim has supported the case of the prosecution, apart from that, medical report of the examination of the victim suggests that the date of birth of of victim is 01.01.2009, which suggests that on the date of occurrence victim was a minor.

6. Considering the aforesaid facts and circumstances, I am **not** inclined to grant the privilege of anticipatory bail to the petitioner in connection with Chandradeep PS Case No. 86 of 2024, pending in the Court of learned Additional Sessions Judge-I, Jamui.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

Shahnawaz/-

U		T	
---	--	---	--

