

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68206 of 2023

Arising Out of PS. Case No.-233 Year-2022 Thana- SHANKARPUR District- Madhepura

Dhiraj Kumar @ Prince Kumar Dhiraj S/O Sanjay Yadav @ Sanjay Prasad
Yadav Village- Baraith, Ward No. 13, Ps. Basnahi, Dist. Saharsa

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Wasi Ahmad Khan

For the Opposite Party/s : Mr.Gulnar Begum

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 05-01-2024 Heard learned counsel for the petitioner and

learned A.P.P appearing on behalf of the State.

The petitioner is languishing in custody in a case registered for the offences punishable under Sections 363, 366(A), 376 of the Indian Penal Code and Section 4 of the POCSO Act.

It is a case of commission of kidnapping and rape to the minor daughter of the informant.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. The Doctor has found the age of the victim between 18-20 years during her



examination and did not find any sign of recent sexual assault. The petitioner and the victim were in love with each other and the victim went along with the petitioner with her own volition. The petitioner is languishing in custody since 21.01.2023. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

In contra, learned A.P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioner and submitted that the specific accusation of committing wrong is against the petitioner and the victim in her 164 Cr.P.C statement has also specifically alleged against the petitioner that he forcefully kidnapped her along with other co-accused and committed rape upon her.

Considering the fact that thrust of accusation is against the petitioner, this Court is not inclined to grant bail to the petitioner.

The prayer for grant of bail to the petitioner



stands rejected.

The Trial Court is directed to expedite the trial
and conclude the same at the earliest.

(Sunil Kumar Panwar, J)

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