

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72400 of 2023

Arising Out of PS. Case No.-130 Year-2023 Thana- BAIKUNTHPUR District- Gopalganj

RADHEY SHYAM KUMAR Son of Lalan Mahto R/o Village - Khaira
Agam, P.S.- Baikunthpur, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhramveer

For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 07-02-2024 Heard learned counsel for the petitioner, learned counsel
for the informant and learned APP for the State.

2. The petitioner has prayed for bail in connection with Baikunthpur P.S. Case No. 130 of 2023 instituted for the offence under Sections 376(D), 341, 323/328 of the Indian Penal Code and Sections 4/6 of the POCSO Act.

3. According to the FIR, the petitioner is alleged to have committed wrong with the informant/victim, aged about 13 years by wrapping her mouth while she was going to Mela. It is further alleged that the co-accused Sonu Kumar accompanied the petitioner in the alleged occurrence.

4. Learned counsel for the petitioner submits that the petitioner is innocent and committed no offence. He has falsely been implicated in this case due to dirty village politics. The medical report of the victim has not supported the prosecution



case. A statement has been made in para-3 of the petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 22.6.2023.

5. Learned APP appearing for the state and learned counsel for the informant have vehemently opposed the prayer of regular bail and submitted that the petitioner is named in the FIR upon whom the specific allegation of committing wrong has been made. The victim girl supports the prosecution allegation in her statement recorded u/s 164 of the Cr.P.C. in which she stated the the petitioner committed wrong with her after administering her medicine. The victim girl is minor who stated her age about 13 years. It is further submitted that witnesses of this have also supported the prosecution case.

6. Having heard the learned counsel for the parties and considering the fact that there is specific allegation against the petitioner, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

7. The trial Court is directed to expedite the trial and conclude the same as early as possible.

(Sunil Kumar Panwar, J)

Amandeep/-

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

