

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72267 of 2024

Arising Out of PS. Case No.-1611 Year-2023 Thana- AHIYAPUR District- Muzaffarpur

Mantosh Kumar Son of Nageshwar Ram Village- Narma, Ps- Rampurhari,
Dist- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Subodh Kumar son of Ram Sajivan Thakur Village- Narma, Ps- Rampurhari
OP, Dist- Muzaffarpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kr. Thakur, Adv. Ms. Vaishnavi Singh, Adv. Mr. Ritwik Thakur, Adv.
For the Opposite Party/s :		Mr. Ram Sumiran Rai, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 03-10-2024 Heard Learned Counsel for the petitioner and

Learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Ahiyapur P.S. Case No. 1611 of 2023, lodged on 30.11.2023,
under Sections 376, 504 and 506 of the I.P.C. and Sections 4 and
6 of the POCSO Act.

3. As per the prosecution, the FIR has been lodged
against the present petitioner with allegation of rape made
against the informant's daughter, who is said to be minor and
POCSO Act has been added.

4. Learned Counsel for the petitioner submits that
petitioner is innocent and in custody since 30.11.2023. Counsel



submits that in her statement, recorded under Section 164 Cr.P.C., the victim has stated that rape took place, but subsequently she has changed her versions. Counsel submits that in the medical examination sexual assault has not been found and no external injury was seen. Counsel also submits that charge has already been framed.

5. Learned Counsel for the State opposes the prayer for bail and submits that the specific allegation is against the petitioner.

6. In this view of the matter, this Court is not inclined to grant bail to the petitioner. Therefore, the bail application of the petitioner is hereby rejected but liberty is hereby granted to the petitioner that he may renew his prayer for bail after one year from the date of taking cognizance.

(Dr. Anshuman, J.)

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