

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78430 of 2023

Arising Out of PS. Case No.-116 Year-2020 Thana- AHYAPUR District- Muzaffarpur

Ashok Kumar @ Ashok Sahani Son Of Late Tuntun Sahni Resident Of
Village - Chaturi, Punash, P.S. - Ahiyapur, District - Muzaffarpur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Harendra Prasad

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 29-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 376, 504, 506 of the Indian Penal Code and Sections 4, 6 of the POCSO Act.

As per FIR, it is alleged that the petitioner forcibly abducted daughter of the informant and took her in an orchard thereafter, he committed rape upon her.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case due to previous enmity. The informant is not an eye witness of the alleged occurrence. It is further submitted that the petitioner has got no criminal



antecedent. Moreover, he is languishing in judicial custody since 10.11.2022.

Learned APP appearing for the state has vehemently opposed the prayer of regular bail and submitted that the victim is minor who is aged about 14 years and there is specific allegation against the petitioner. As per statement of the victim recorded under Section 164 of the Cr.P.C., which is annexed with Case Diary, wherein she has stated that the petitioner after tying *gamcha* around her mouth forcibly took her in an orchard and committed rape upon her.

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

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

(Sunil Kumar Panwar, J)

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