

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83379 of 2023**

Arising Out of PS. Case No.-796 Year-2023 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Utkarsh Raj @ Rider @ Utkarsh Kumar @ Raider Son of Neeraj Singh @
Niraj Nishi @ Neeraj Bihari Resident of Karba Gola Ghat Road, Naya Bazar,
near Hindustan Club, P.S-Tatarpur, District-Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar

For the Opposite Party/s : Mr. Syed Ehteshamuddin

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**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

3 14-05-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner has prayed for bail in connection with
Kotwali (Jogsar) P.S. Case No. 796 of 2023 instituted for the
offence under Sections 376 (D), 120(B)/34 of the Indian Penal
Code and Sections 4/6 of the POCSO Act.

3. According to the FIR, the petitioner along with co-
accused persons is alleged to have committed rape of the
informant/victim, aged about 15 years.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and committed no offence. He has falsely
been implicated in this case. It is further submitted that victim was
medically examined on the next date of occurrence i.e. 28.8.2023
but no sign of rape or injury on internal or external part of body



was found. The victim was a consenting party with co-accused Karan Kumar and when she was caught in compromising position, she narrated false story and implicated the petitioner. The petitioner has got no criminal antecedent and he is languishing in judicial custody since 27.9.2023.

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 rape has been made. The victim girl supports the prosecution allegation in her statement recorded u/s 161 as well as 164 of the Cr.P.C. in which she stated the the petitioner along with others committed rape with her. The victim girl is minor who stated her age about 15 years.

6. Having heard the learned counsel for the parties and considering the fact that there is specific allegation of rape 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 soon as possible.

(Sunil Kumar Panwar, J)

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