

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70001 of 2024

Arising Out of PS. Case No.-112 Year-2023 Thana- MEDNI CHAUKI District- Lakhisarai

Manish Kumar S/o Shiv kumar @ Shiv Jee Mahto @ Shiv Jee Resident of
Khaba chandra tola, P.S- Medni chowki, Distt. - Lakhisarai... .. Petitioner/s
Versus

1. The State of Bihar
 2. Y W/o Z R/o vill - Khaba Chandra Tola, P.S. - Medni Chowki, Distt - Lakhisarai
- Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Udbhav, Adv.
For the Opposite Party/s	:	Mr. Bharat Bhushan, APP
For the informant	:	Mr. Parmanand Pd. Narain Shahi

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

- 3 24-01-2025 Heard Mr. Udbhav, learned counsel for the petitioner,

Mr. Bharat Bhushan, learned APP and Mr. Parmanand Pd.

Narain Shahi, learned counsel for the informant.

2. The petitioner is custody in connection with Medni Chowki RS. Case No. 112 of 2023 registered under Sections 376 (A-B) of the Indian Penal Code and Section 4 of the POCSO Act lodged on 19.07.2023 by the informant.

3. As per the prosecution story, the informant has alleged that on the date of occurrence, she was not present in her house. Later, this petitioner came and call her on the roof of the house of one Arvind Master in which no one was present there and later allegation of rape is there. The girl became unconscious and the labour working in the building of Arvind Master saw the same, informed Arvind Master who gave information to the informant followed by the First Information



Report.

4. Learned counsel for the petitioner submits that the girl in her statement recorded under Section 164 CrPC though supported the prosecution story, has not named him.

5. Learned APP Mr. Bharat Bhushan as also Mr. Parmanand Pd. Narain Shahi, learned counsel for the informant oppose the prayer submitting that it is not expected from a 12 years minor child to narrate everything. The fact remains that under Section 164 CrPC, she has narrated her ordeal which clearly supports the prosecution story. They have also pointed out that the occurrence is of 14.07.2023, the petitioner leisurely preferred anticipatory bail, the same came to be rejected on 18.04.2024. Still he chose his own time and finally came into judicial custody only in the month of July, 2024.

6. Considering the submissions of the parties as also the facts on record and the conduct of the petitioner, a minor girl has narrated her ordeal under Section 164 CrPC, in that background, for the present, this Court is not inclined to extend him the privilege of bail. Accordingly, the same is rejected.

(Rajiv Roy, J)

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