

IN THE HIGH COURT OF JHARKHAND AT RANCHI
B.A. No.8708 of 2022

Anuj Kumar @ Anuj Kumar Paswan Petitioner
Versus
1.The State of Jharkhand
2.Divakar Yadav Opp. Parties

CORAM : HON'BLE MR. JUSTICE SUBHASH CHAND

For the Petitioner : Mr. Awanish Ranjan Mishra, Advocate
For the State : Mr. Shree Prakash Jha, A.P.P.

03/04.11.2022 Heard learned counsel for the applicant and learned A.P.P. for the State.

This bail application has been filed on behalf of the abovenamed applicant with prayer to release on bail in connection with Bariyatu P.S. Case No.34 of 2020 registered under Sections 363-A, 376G/34 of the Indian Penal Code and Sections 3/4/5/6 of the POCSO Act pending in the court of learned Additional Judicial Commissioner-IV-cum-Spl. Judge, POCSO, Ranchi.

Learned counsel for the applicant has submitted that the F.I.R. of this case was lodged against five named accused including the applicant with the allegations that the daughter of the informant had left the house to bring grocery article on 29.12.2019 and, thereafter, her no whereabouts was known. It is further alleged that the named accused had enticed her away with intent to gang rape her.

Learned counsel for the applicant has submitted that as per medical evidence, the victim was major and the applicant has not committed the alleged offence. It is further submitted that the applicant has been languishing in jail since 18.05.2022.

Learned A.P.P. appearing on behalf of the State vehemently opposed the contentions made by the learned counsel for the applicant and contended that the victim was recovered and her statement under Section 164 Cr.P.C. was recorded in which she supported the prosecution story and she had assigned specific role of committing rape upon her to Anuj Paswan (the applicant herein). She also stated that she was forcibly taken with him after having criminally intimidating her. Even if the victim was major but her consent was not free consent. The medical evidence also supports the statement of victim and prosecution story as well.

In view of the submissions made and materials on record, the bail application of the applicant is hereby rejected.

(Subhash Chand, J.)