

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9028 of 2015

Arising Out of PS.Case No. -173 Year- 2014 Thana -NAUHATTA District- SAHARSA

- =====
1. Chhedan Yadav, Son of Nago Yadav.
 2. Rajo Sah, son of Ramfu Sah @ Ramful Sah. Both residents of village - Murli, P.S. Nauhatta (Darhar O.P.), District – Saharsa.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Pramod Mishra, Advocate.

For the Opposite Party : Mr. Pronati Singh(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 23-04-2015 Heard both sides.

The petitioners seek bail in Nauhatta P.S. Case No. 173 of 2014 (POCSO Case No. 23 of 2014) under Section 376 and other Sections of the Indian Penal Code.

The prosecutrix made allegation that while she was sleeping in her house, Bijli Yadav, Chhedan Yadav petitioner no. 1 and Rajo Sah petitioner no. 2 dragged her to a field. Petitioners caught her hands and Bijli Yadav committed rape with her.

It is submitted that the petitioners did not commit rape with the victim.

The victim improved her case and made statement under Section 164 Cr. P.C. She alleged that the petitioners also

committed rape with her.

There appears that the victim is a minor girl. The doctor found her age between 16-17 years. The doctor also found the injuries on her body and sign of rape. The petitioners also played very active role and only then Bijli Yadav committed rape with the victim. Hence, I am not inclined to enlarge the petitioners on bail at this stage. Accordingly, the same is rejected in Nauhatta P.S. Case No. 173 of 2014(POCSO Case No. 23 of 2014), pending in the court of the learned Additional Sessions Judge-1-cum-Special Judge, Saharsa. The petitioners may renew their prayer for bail after remaining one year in jail.

U.K./-

(Prabhat Kumar Jha, J)

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