

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57869 of 2015

Arising Out of PS.Case No. -53 Year- 2015 Thana -MAHILA P.S. District- NAWADA

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Arvind Yadav @ Baidhu Yadav @ Arbind Yadav Son of Yugal Yadav
Resident of Village: Gonawan, P.s Nawada(Town), District Nawada.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Deepak Kumar

For the Opposite Party/s : Mr. Sadanand Paswan (Spl. Pp)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 30-01-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with POCSO
28/2015 arising out of Nawada Mahila P.S. Case No. 53 of 2015
registered for the offences punishable under Sections 376 of the
Indian Penal Code read with Section 4/8 of the POCSO Act and
3(i) (xii) of the S.C./S.T. (Prevention of Atrocities) Act.

Allegedly, Priyanka Kumari aged 9 years, a mentally
weak daughter of the informant was kept confined by the
petitioner in his house and she was weeping and thereafter the
door was opened and she was found weeping and blood was
oozing from her private part and accordingly, it is claimed that the
petitioner has committed rape with her.

Submission is of false implication and that the victim has not stated anything against the petitioner in her statement recorded under Section 164 Cr.P.C. , the doctor who has examined the victim has also not found any spermatozoa and the petitioner is suffering in custody since 1.9.2015 and as such he deserves sympathetic consideration.

Learned A.P.P. opposes the prayer of bail by submitting that the doctor has also found the sign of inter-course and the victim being mentally weak was unable to speak.

In the facts and circumstances stated above, considering the allegation attributed against the petitioner, heinous in nature, this Court is not inclined to enlarge the petitioner on bail, accordingly his prayer stands rejected in connection with aforesaid case pending in the court of Special Judge, Nawada.

(Jitendra Mohan Sharma, J)

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