

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.54141 of 2016**

Arising Out of PS.Case No. -42 Year- 2016 Thana -PRATAPGANJ District- SUPAUL

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1. Jagdish Yadav Son of Late Mulchandra Yadav resident of village - Govindpur Ghtha Tola, Police Station - Pratapganj, District - Supaul.

.... .... Petitioner/s

Versus

1. The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Arun

For the Opposite Party/s : Mr. Sri Chaubey Jawahar

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA**  
**ORAL ORDER**

2      22-12-2016                      Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

This is an application for grant of regular bail for offences punishable under Sections 341/376 of the Indian Penal Code and Section 4 of the POCSO Act.

Allegation against the petitioner is of commission of rape on the victim.

It has been submitted on behalf of the petitioner that due to previous enmity petitioner has been named in the present case. It has further been submitted that on perusal of the F.I.R, it is evident that there is no eye-witness to the said occurrence. The doctor in his opinion has not clearly indicated the commission of rape, though he said that possibility of rape cannot be ruled out



and, therefore, only on the suspicion petitioner was apprehended and has been languishing in judicial custody since 02.04.2016.

Heard learned A.P.P. also.

Having heard both sides and in view of the statement of the victim girl recorded under Section 164 of the Cr.P.C, wherein, she has specifically named this petitioner for the said offence, I am not inclined to grant the petitioner, the privilege of regular bail, it is, accordingly, rejected.

**(Vinod Kumar Sinha, J)**

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