

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3887 of 2016

Arising Out of PS.Case No. -148 Year- 2015 Thana -PALASI District- ARRARIA

=====

1. Deo Narayan Yadav @ Bhulla Yadav Son of Tarkeshwar Yadav,
Resident of Village - Bakra Dhang P.S. - Palasi, District - Araria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh

For the Opposite Party/s : Mr. Khurshid Anwar(App)

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 28-03-2016 Heard the learned counsel for the petitioner as well as

the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences punishable under section 376/34 of the I.P.C and section 3 of the POCSO Act.

Allegedly, the petitioner and other co-accused committed rape with the informant one after another but the informant earlier did not lodge the case and thereafter co-accused Bateshwar Yadav again committed rape with her. The informant became pregnant and when her father returned from Punjab she lodged the case.

Submission is of false implication and that the FIR.
has been lodged after much delay, it was co-accused Bateshwar

Yadav who again committed rape with the informant and not the petitioner, the doctor has found the age of the victim girl between 17-19 years and at the time of examination she was having more than 29 weeks of pregnancy and as such the petitioner deserves sympathetic consideration, to which the learned A.P.P. seriously opposes.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner, serious in nature, I am not inclined to enlarge the petitioner on bail and accordingly his such prayer stands rejected in connection with Special POCSO Case No. 17 of 2015 arising out of Palasi P.S. Case No. 148 of 2015 pending in the court of 1st Additional Sessions Judge, Araria.

However, considering detention of the petitioner, let the trial be expedited and concluded as early as possible in view of amended proviso of section 309 Cr. P.C.

(Jitendra Mohan Sharma, J)

Abhay/-

U		T	
---	--	---	--