

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48398 of 2016

Arising Out of PS.Case No. -95 Year- 2016 Thana -SAHKUND District- BHAGALPUR

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Nilu Yadav S/o Musho Yadav Resident of Village-Sarha, P.S.-Sahkund,
District-Bhagalpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 01-12-2016 Heard Mr. Pramod Kumar Singh for the petitioner and

Mr. Dayal, APP for the State.

The petitioner prays for grant of bail in Sahkund P.S.
Case No. 95 of 2016 registered under section 376/34 IPC and
section 4 of the POCSO Act.

The mother of the victim lodged the case alleging that on
the intervening nights of June 14-15, 2016 while her daughter
aged about 15 was sleeping in the house, the accused persons
forcibly lifted her. Having found the victim traceless, the
informant came out on the street and raised a Hulla. Near the
house of the co-accused Nand Kishore Yadav the victim was
found half/semi naked in senseless condition. On regaining
consciousness, it is alleged that she named the petitioner and other
who had forcibly kidnapped her and committed rape on her.



The contention of the petitioner is that the victim in her statement made under section 164 Cr. P.C. has stated many things, but not specifically about commission of rape on her by the petitioner. The petitioner is in custody since 19.07.2016 having no criminal antecedents.

Learned APP opposed the prayer and submitted that in the FIR itself the victim, it is stated, after regaining consciousness, named the petitioner. In her statement made under section 164 Cr. P.C. also she had indicated specifically about the implication/involvement of the petitioner. Co accused Nand Kishore Yadav has already been refused bail.

Considering the above, I am not persuaded to extend the petitioner the privilege of bail. Prayer is accordingly rejected.

(Kishore Kumar Mandal, J)

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