

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 58625 of 2015

Arising Out of PS.Case No. -52 Year- 2015 Thana -LAUKHI District- MADHUBANI

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Singheshwar Yadav, Son of Sri Kusum Lal Yadav, R/o Nanpatti P.S.
Laukhai Distt Madhubani.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Suraj Narain Yadav

For the Opposite Party : Mr. Shailendra Kumar Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 10-03-2016 Heard learned counsel for the petitioner and learned
A.P.P representing the State.

The petitioner seeks bail in connection with Laukahi
P.S. Case No. 52 of 2015 (G.R. Case No. 14/2015), registered for
the offence punishable under Sections 376/34 of the Indian Penal
Code and Sec. 4 of POCSO Act.

This case has been lodged on the basis of complaint
petition with allegation that the petitioner and other co-accused at
the point of gun brought the informant at lonely place near Balan
river from her house and committed rape one after another.

Submission is of false implication and that the
occurrence is of 28.02.2015 whereas complaint petition has been
filed on 02.03.2015, the copy of complaint which was sent at

police station does not bear the age of the complainant whereas in the original complaint, the age of the complainant is given as 18 years. There is contradiction in the statement of the complainant under section 164 Cr.P.C. and further during investigation, the witnesses have not supported the allegation of rape and doctor has also not found the sign of rape.

Learned A.P.P. opposes the prayer of bail by submitting that the victim girls was found aged between 16 to 17 years by the doctor and in the statement recorded under section 164 Cr.P.C, she has further stated that petitioner used to cause threats to withdraw the case.

In the facts and circumstances stated above, considering the allegation against the petitioner serious in nature, this court is not inclined to enlarge the petitioner on bail and accordingly his such prayer stands rejected. However, the petitioner may be at liberty to renew his prayer for bail after examination of the complainant/victim during trial.

(Jitendra Mohan Sharma, J.)

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