

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8474 of 2017

Arising Out of PS.Case No. -338 Year- 2016 Thana -PIRO District- BHOJPUR

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1. Tunna Yadav, son of Chandrama Yadav, Resident of Village- Piro, Ward No.-12, P.S.- Piro, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar

For the State : Dr. Ravindra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 10-04-2017

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in POSCO Case No. 43 of 2016 arising out of Piro P.S. Case No. 338 of 2016 initiated for the offence under Sections-376(2)/34 of the Indian Penal Code and U/S 6 of POSCO Act.

In the written report, there is specific allegation against this petitioner of committing rape with the informant.

C.D. has been received.

Similar statement has been made in the further statement before the police wherein the victim levelled specific allegation against the petitioner. The statement of victim has been recorded u/S 164 of the Cr.P.C. in which, she has stated that this petitioner took her in a lonely place and made her naked and bite



on her breast and attempted to commit illegal act with her. In the meantime, on account of switching on of light, she ran away naked from that place.

It has been submitted on behalf of the petitioner that some doubt is created about the occurrence from the statement of victim recorded u/S 164 of the Cr.P.C.

The girl has stated her age 15 years in her statement u/S 164 of the Cr.P.C. The court has also assessed her age as 15 years. In the FIR, her age is stated to be 15 years. The girl has levelled specific overt act against the petitioner in her statement u/S 164 Cr.P.C.

In such circumstances, keeping in view the specific allegation made by the informant against the petitioner, this court is not inclined to release the petitioner on bail. Accordingly, his prayer for bail stands rejected at this stage.

Learned trial court is directed to expedite the trial of the petitioner.

(Sanjay Priya, J)

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