

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9027 of 2018

Arising Out of PS.Case No. -26 Year- 2016 Thana -MAHILA P.S. District- MADHUBANI

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1. Prabodh Yadav S/o Shri Upendra Yadav, R/o village- Birauli, P.S.- Benipatti, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prakash Chandra Jha, Advocate

For the Opposite Party/s : Smt. Reena Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 27-03-2018 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner is in custody in connection with Madhubani (Benipatti) Mahila P.S. Case No.26 of 2016, a case under Sections 364/328/506/376/34 of the Indian Penal Code and Section 4 of the POCSO Act, pending in the Court of learned 1st Additional Sessions Judge, Madhubani.

According to FIR, the petitioner and co-accused allegedly committed rape against the informant on 18.02.2016. The victim has supported the aforesaid allegation in her statement under Section 164 Cr.P.C.

Submission is that father of this petitioner had lodged complaint Case No.58 of 2016 against the father of the informant



of this case and others and just to pressurize the false allegation has been leveled. Moreover, during medical examination the victim was found carrying pregnancy of 1.25 months. The medical test was done on the very next day of the alleged occurrence.

Considering the fact that the victim cannot be disbelieved at this stage only for the reason that she was an unmarried girl and was carrying pregnancy, I am not inclined to enlarge the petitioner on bail. Hence, the prayer for bail is refused. The learned trial Court is directed to expedite the trial.

(Birendra Kumar, J)

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