

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.65503 of 2018

Arising Out of PS. Case No.-149 Year-2018 Thana- AAJAM NAGAR District- Katihar

Kanhai Yadav @ Kanhaiya Yadav S/o Panchlal Yadav Resident of Village-
Pokhariya,P.S. Azamnagar,Distt.-Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha

For the Opposite Party/s : Mr. Sri Ahmad Ali

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 22-11-2018

The petitioner seeks regular bail in connection with
Azam Nagar P.S. Case No. 149 of 2018, registered for offences
punishable under Section 376 of the Indian Penal Code and
Section 4 of POCSO Act.

Allegation against the petitioner is of committing rape
on the informant, who is minor.

It has been submitted on behalf of the petitioner that
he has falsely been roped in the present case, which will
appear from the fact that there is delay of ten days in lodging
the F.I.R. Furthermore, there is contradiction between the
statement of the girl recorded under Section 161 Cr.P.C. and
Section 164 Cr.P.C. It has also been submitted that the medical
report does not corroborate the allegation of commission of



rape on the informant. Further, petitioner has no criminal antecedent and has been in judicial custody since 14.07.2018.

Learned counsel for the State as well as informant opposed the prayer for bail and submitted that the girl in her statement under Section 164 Cr.P.C. has named the petitioner and she is also minor.

Having heard both sides, considering the facts and circumstances of the case and the nature of accusation, I am not inclined enlarge the petitioner on bail.

This application is accordingly dismissed.

Let the trial be expedited.

(Vinod Kumar Sinha, J)

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