

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37409 of 2018

Arising Out of PS.Case No. -87 Year- 2018 Thana -KAHALGAON District- BHAGALPUR

=====

1. Laxman Yadav S/o Late Nathuni Yadav R/o Village - Janidih,
Shankarpur Khabas, P.S. - Ghogha, District - Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Anupa Nand Jha, Advocate

For the Opposite Party/s : Mr. Ram Bachan Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 28-08-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is in custody in connection with
Kahalgaon (Ghogha) P.S. Case No.87 of 2018, a case under
Section 376(2)(i) of the Indian Penal Code and Sections 4/6 of the
POCSO Act, pending in the Court of learned 1st Additional
Sessions Judge-cum-Special Judge (POCSO Act), Bhagalpur.

Allegation against the petitioner is of commission of
rape against a girl, aged about ten years. The victim has supported
the aforesaid allegation before the police.

Submission of the learned counsel for the petitioner is
that false allegation is there due to some occurrence of altercation
that had taken place day before the alleged occurrence for the



reason of damaging of the crop of the petitioner by the goat of the informant. Moreover, the medical report does not substantiate any sign of rape.

The doctor, who examined the victim on the same day, has reported that no spermatozoa was found and no evidence of recent sexual intercourse was noticed.

On the basis of the aforesaid medical report, the statement of the victim cannot be disbelieved at this stage, unless there is strong motive supported by material on the record to create doubt for false implication. Hence, 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)

Mkr./-

U		T	
---	--	---	--

