

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56933 of 2017

Arising Out of PS. Case No.-158 Year-2016 Thana- KAUAKOL District- Nawada

Vikash Yadav Son of Ram Kishun Yadav Resident of Village - Lalpure, P/S - Kowakole, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar
For the Opposite Party/s : Mr. SRI NAND KUMAR

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

4 16-01-2018 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks bail in **Kowakole P.S. Case No. 158 of 2016** registered for the offence punishable under Section 376 of the Indian Penal Code and Section 4 of the POCSO Act.

Allegation against the petitioner is of committing rape on informant. In her statement, informant has stated that when she was sitting outside her house accused-petitioner Vikash Kumar came and asked her to get inside the room as he has some work to be accomplished and thereafter he outraged the modesty of the informant and also raped her. On such allegation FIR was registered under Section 376 of the Indian Penal Code against the sole accused.

It has been stated on behalf of the petitioner that the



petitioner has been falsely implicated in this case on account of enmity and subsequently the matter has already been compromised between the parties and in compromise petition the dispute between the parties had been resolved. It has been further stated that the informant victim was examined by the medical board and it has been mentioned in paragraph no. 25 of the case diary, in which, her age had been assessed to be 17 to 18 years and no sign of any sexual intercourse has been found by the medical officer. No spermatozoa has been found and no external injury on any part of the body of the informant had been found.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned **A.D.J. 1st Cum Special Judge Nawada** in connection with **Kowakole P.S. Case No. 158 of 2016.**

(S. Kumar, J)

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