

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28838 of 2018

Arising Out of PS.Case No. -145 Year- 2016 Thana -KUMARGHAND District- MADHEPURA

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Rakesh Yadav S/o Dharendra Yadav, R/o Vill.- Gorhaila, P.S.- Madhepura,
(Bharrahi O.P.), District- Madhepura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Durgesh Kumar

For the Opposite Party/s : Mr. Sri Madhuranand Jha

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 28-06-2018 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
POCSO Case No.12 of 2016(S) arising out of Kumarkhand P.S.
Case No.145 of 2016 registered for the offences punishable under
Section 376 of the Indian Penal Code and Section 4 of the
POCSO Act.

The informant of this case is victim aged about 16
years. She has alleged that in the night of 14.08.2016 this
petitioner and two others forcibly lifted her on a motorcycle and
took her in a rental room at Madhepura where they committed
rape.

It has been submitted that in course of trial the victim



has not supported the allegation of rape against the petitioner. The other witnesses have also not supported the case and so the petitioner deserves bail. The petitioner is in custody since 22.09.2017.

The learned A.P.P. for the State opposed the submission.

From perusal of the impugned order and the case-diary it appears that a large number of witnesses have supported the allegation of rape against the petitioner. The medical evidence also supports the commission of rape on the victim. The doctor has assessed her age in between 17-19 years. After investigation police have submitted charge sheet against the petitioner and other co-accused for the offence under Section 376(D) of I.P.C. and Section 4 of POCSO Act.

Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. The prayer of bail is accordingly rejected.

(Sanjay Kumar, J)

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