

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.26964 of 2018**

Arising Out of PS. Case No.-532 Year-2017 Thana- KAHALGAON District- Bhagalpur

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Raj Kumar Yadav Son of late Roudhani Yadav the Resident of  
Village/Mohalla-Adarsh Nagar, Fulkiya, P.S.-Ghogha, Distt.-Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Swapnil Kumar Singh, Advocate  
For the Opposite Party/s : Mr. Smt. Pronati Singh (APP)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN  
SHARMA**

ORAL ORDER

3     17-05-2018                      Heard learned counsel for the petitioner and learned  
counsel representing the State.

The petitioner seeks bail in connection with  
Kahalgoan (Ghogha) P.S. Case No. 532 of 2017 registered for  
the offence punishable under Section 376/34 of the Indian Penal  
Code.

Allegedly, the petitioner and co-accused after  
taking away the minor daughter of the informant committed  
rape in the field.

Submission is of false implication and that First  
Information Report has been lodged after much delay, the  
alleged occurrence is of 23.09.2017 whereas on 28.09.2017  
written report by the informant has been submitted at the police  
station. The informant is in habit to lodge false case, earlier he



has lodged Kahalgoan (Ghogha) P.S. Case No. 419 of 2014 and thereafter they compromised the case, in this case also the dispute has been compromised, the doctor has found no injury on face, neck, breast and private part, no spermatozoa was found during the investigation. The witnesses are hearsay witnesses and, as such, the petitioner deserves sympathetic consideration as he is suffering in custody from 25.11.2017.

Learned A.P.P seriously opposes the prayer of bail by submitting that statement of the victim girl has been recorded under Section 161 Cr.P.C., vide para 26 of the case diary wherein she has supported the allegation of rape against the petitioner also. The doctor has found her age below 16 years.

In the facts and circumstances stated above, considering the allegation against the petitioner serious in nature, I am not inclined to enlarge the petitioner on bail and accordingly, his such prayer stands rejected in connection with Kahalgoan (Ghogha) P.S. Case No. 532 of 2017, pending in the Court of learned 1<sup>st</sup> Additional Sessions Judge, Bhagalpur.

**(Jitendra Mohan Sharma, J.)**

Rajiv/-

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