

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55747 of 2018

Arising Out of PS.Case No. -54 Year- 2018 Thana -MAHILA PS District- DARBHANGA

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Mr. Shambhu Yadav S/o Parmeshwar Yadav, R/o Adhloaam , P.S.- Bahera,
District- Darbhanga.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shambhu Yadav, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar-2, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 08-10-2018 Heard learned counsel for the petitioner, counsel for
the informant and the State.

The petitioner seeks bail in Darbhanga Mahila P.S.
Case No. 54 of 2018 instituted for the offence under Sections 376,
506 of Indian Penal Code and Section 4/6 of POCSO Act.

It is alleged in the written report that petitioner
committed rape with the informant. The occurrence is said to have
taken place on 16.04.2017 and First Information Report has been
lodged on 24.04.2018 i.e. after delay of one year.

Counsel for the petitioner submits that except the
witnesses in paragraphs-11 and 12 of the case diary, no any
independent witness has supported the case of prosecution rather
they have stated that petitioner has been falsely implicated in the



instant case on account of land dispute.

Case diary has been received.

Medical report of the victim (informant) is available in the case diary wherein the Doctor has not found any sign of rape on her.

The Sessions Judge has mentioned in the impugned order that except witnesses in paragraphs-11 and 12, all the witnesses in paragraphs 21, 22, 23, 24, 25, 35 and 36 of the case diary have stated that petitioner has been falsely implicated in the case.

The statement of victim girl has been recorded under Section 164 wherein she has levelled specific allegation of committing rape against the petitioner, but the Medical Report available in the case diary does not corroborate any sign of rape upon the informant. The Doctor has found the age of victim (informant) between 18 to 19 years. No injury on any part of the body or on her private part was found by the Doctor.

Counsel for the informant has appeared and opposed the prayer for bail.

Considering the aforesaid facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named, be released on bail on furnishing bail



bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (POCSO Act), Darbhanga, in connection with Darbhanga Mahila P.S. Case No. 54 of 2018, subject to the condition that both the bailors will be close relatives of the petitioner.

(Sanjay Priya, J)

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