

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28157 of 2019

Arising Out of PS. Case No.-1 Year-2017 Thana- MAHILA PS District- Darbhanga

PINTU KUMAR YADAV Son of Chander Yadav Resident of Village- Tailiya
Pokhar, Police Station- Sadar (Mabbi O.P.) and District- Darbhanga.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Girish Chandra Jha

For the Opposite Party/s : Mr.Ramchandra Sahni

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 12-07-2019 Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in Mahila P.S. case no. 01 of 2017 instituted for the offence under Section(s) 376, 506 and 34 of the Indian Penal Code and Sections 4/6 of the POCSO Act.

The informant, who is a minor girl, has alleged in the written report that she used to take coaching classes at Taliya Pokhar and petitioner is moderator-cum- teacher of the said institute. It is further alleged that on 27.12.2016 after completion of coaching class, this petitioner told informant that she is weak in Mathematics and asked her to wait outside the class and he will teach her mathematics separately. It is further alleged that when all the students went away then this petitioner, on the pretext of teaching, committed illegal act and told her that he had prepared a video of the whole incident and also gave threat not to disclose the



incident to her parents otherwise he will made the video viral.

Case diary has been received, wherein, the statement of the victim recorded under Sections 164 Cr.P.C. is available at paragraph no. 33 of the case diary, wherein, she has levelled specific allegation against this petitioner as mentioned in the written report. The age of the victim girl has been assessed in the Medical Board between 15 to 16 years.

Learned counsel for petitioner submits that no positive evidence was found in the Medical Board to suggest commission of recent sexual intercourse. There is delay in lodging of the FIR.

This Court, from perusal of the Statement of the victim girl recorded U/s 164 Cr.P.C., finds that victim has levelled specific allegation against this petitioner who is a minor girl aged about 15-16 years.

Therefore, this Court is not inclined to grant bail to the petitioner at this stage. The prayer for bail of the petitioner stands rejected.

Trial Court is directed to expedite the trial.

(Sanjay Priya, J)

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