

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61833 of 2018

Arising Out of PS. Case No.-25 Year-2017 Thana- MAHILA P.S. District- Araria

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Bhim Yadav, S/o Kulanand Yadav, R/o Vill.- Belsara Ward No. 01, P.S.-
Raniganj, District- Araria. Petitioner/s

Versus

1. The State Of Bihar
2. Khushboo Kumari, through father Kishan Sharma, Resident of village
Belsara, Ward No.-4, P.S. Raniganj, Dist Araria. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhijeet Gautam
For the Opposite Party/s : Mr. Ajay Kumar-1

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 23-01-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
19.06.2018 in a case registered for the offences punishable
under Section 376 of the I.P.C. and under Sections 3/4 of the
POCSO Act.

The prosecution case as per the written report of
Khushboo Kumari, submitted to the S.H.O., Mahila P.S., Araria
is to the effect that on 23.05.2017, the informant went to flour
mill and while returning home, the petitioner came from behind
on a bicycle and after alighting from the bicycle, he covered the
face of the informant with towel and took her to the maize field.



Thereafter, the petitioner undressed the informant forcibly and by assaulting her and ravished her. When the father of the informant reached at the place of occurrence, he found that the informant was soaked with blood, upon which she was taken to the Doctor.

Learned counsel for the petitioner submits that for the occurrence of 23.05.2017 the FIR was registered on 27.05.2017 and the victim was medically examined on 29.05.2017. It is further submitted that no injury has been found over any part of the body including private part of the victim. Moreover, the informant has retracted from her version and filed a petition to the effect before the learned Court below. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned counsel for the informant submits that the informant has retracted from her version before the learned Court below.

Considering the delayed lodging of the case as well as delayed medical examination of the informant, the retracted version of the informant and the accusation being not corroborated by the medical opinion, let the above named petitioner 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 **Addl. Sessions-cum-Spl.
Judge 1st, Araria** in connection with **Spl. (POCSO) Case
No.14 of 2017** arising out of **Mahila P.S. Case No. 25 of 2017.**

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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