

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 13282 of 2020**

Arising Out of PS. Case No.-57 Year-2016 Thana- ADHAOURA District- Kaimur (Bhabua)

BIRENDRA YADAV, S/O Shiv Pujan Singh @ Shivpujan Yadav R/o Village
Dahar, P.S. - Adhaura, District - Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan
For the Opposite Party/s : Mr. Anita Kumari

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 05-06-2020 This case has been heard through Video Conferencing.

Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 376 (D) of the Indian Penal
Code and 4, 6, 8, 10 of the POCSO Act.

The prosecution case in brief is that Adhaura P.S. Case
No. 57 of 2016 was lodged on the basis of the written report of
one Madhu Kumari, alleging therein that on 23.10.2016 she was
grazing animal in the forest of Kharki about 2 km, away from
her village where Birendra Yadav and Jagdish Paswan found her
alone and committed rap on her and given threatening to kill if
she disclosed to other.

Learned counsel for the petitioner has submitted that the
petitioner is innocent and he has committed no offences, he has



been falsely and maliciously implicated in this case. He submitted that the date of occurrence is said to be taken place on 23.10.2016 and the FIR was lodged on 24.10.2016. There is neither eye witness of this case nor medical evidence in support of the allegation and the doctor has examined the informant to determine her age, found her age to be 16 to 18 years.

On perusal of the record it is found that the informant was examined as P.S. 7, wherein she has deposed that the petitioner has committed rape and the victim has also stated that the petitioner has committed rape on her.

Considering the aforesaid facts and the fact that the trial is going on against the petitioner, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of the petitioner is rejected in connection with POCSO Case No. 28(A)/2016 arising out of Adhaura P.S. Case No. 57 of 2016 from the Court of learned A.D.J.-1st cum Special Judge, Kaimur at Bhabhua.

The application is dismissed accordingly.

However, court below is directed to expedite the trial.

(Anjani Kumar Sharan, J)

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