

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 84721 of 2019

Arising Out of PS Case No.-42 Year-2019 Thana- MAHILA PS District- Khagaria

Manish Yadav, aged about 21 Years (Male) Son of Kapil Dev Yadav, Resident of Village - Chak Hussaini (Khutia), P.S. + P.O.- Mansi, District – Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ranjan Kumar Singh, Advocate
For the State	:	Mr. Binay Krishna, SPL PP
For the Informant	:	Mr. Indrajit Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 17-03-2020

Heard learned counsel for the petitioner; learned APP for the State and learned counsel for the informant, who has *suo motu* appeared.

2. The petitioner seeks bail in connection with Mahila PS Case No. 42 of 2019 dated 10.09.2019 instituted under Sections 376 of the Indian Penal Code, 4 of the Protection of Children from Sexual Offences Act, 2012 and 3(1)(w) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. The allegation against the petitioner is of committing rape on the informant who is said to be 14 years old.



4. Learned counsel for the petitioner submitted that the allegation is totally false. It was submitted that in the medical report, it has been found that the hymen was old ruptured and the vaginal swab has not found any spermatozoa. It was further submitted that the petitioner does not have any other criminal antecedent and is in custody since 29.09.2019. It was submitted that due to village politics, he has been falsely implicated.

5. Learned APP submitted that there is direct allegation of committing rape against the petitioner.

6. Learned counsel for the informant submitted that there were other eye witnesses in the form of women, who had also gone to cut grass, who had witnessed the incident and had run to the house of the informant to inform her parents who had come to the site and had found her unconscious.

7. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on bail.

8. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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