

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25923 of 2021

Arising Out of PS. Case No.-18 Year-2020 Thana- EKCHARI District- Bhagalpur

Ravi Roshan Yadav S/O Ram Khelawan Yadav Resident Of Village- Bari Chataiya, P.S.- Ekchari, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tarun Prasad Mandal

For the Opposite Party/s : Mr. Madan Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 25-08-2021 Heard learned counsel for the petitioner and learned A.P.P.
for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with POCSO Case No. 81 of 2020 arising out of Ekchari P.S. Case No. 18 of 2020 registered for the offence punishable under Sections 341, 323, 376, 506 of the Indian Penal Code and Section 4 of POCSO Act.

As per the prosecution case, allegation against the petitioner is that petitioner along with two other accused persons *Aman Yadav* and *Ankush Kumar Yadav* on the point of arms and knife



committed rape on informant one by one and also assaulted her as a result of which she became unconscious and she was thrown beside the river Ganges.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. He submits the alleged occurrence was took place 29.07.2020 but F.I.R. has been registered on 04.08.2020 and there is no satisfactory explanation of such delay. He further submits that there is no medical evidence of rape. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has no criminal antecedent and has been languishing in custody since 14.08.2020.

Learned APP for the State vehemently opposing the bail petition submitted that the the statement of the victim has been recorded under Section 164 of Cr.P.C. in which the victim has stated her age to be of 13 years and the learned Magistrate has also assessed her age to be of 13 years. He submits that the occurrence is said to have taken place on 29.07.2020 and the doctor examined the persons of the victim on 05.08.2020 after a lapse of seven days and hence there may be a circumstance that doctor did not find any evidence of rape.

In the facts and circumstances of the case I am not inclined to grant privilege of bail to the petitioner in connection with



POCSO Case No. 81 of 2020 arising out of Ekchari P.S. Case No.
18 of 2020 to the satisfaction of Special Judge (POCSO) cum 7th
Addl. District and Sessions Judge, Bhagalpur.

Accordingly, the prayer for bail of the petitioner is hereby
rejected.

(Anjani Kumar Sharan, J)

GAURAV S./-

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