

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1693 of 2020

Arising Out of PS. Case No.-8 Year-2019 Thana- MAHILA P.S. District- Banka

Bhushan Kumar Yadav age about 22 year male son of Gangadhar Yadav
residence of village Kumarkhal, P.S. Amarpur, District Banka.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Dhananjay Kumar Pandey
For the Respondent/s	:	Mr. Binay Krishna, Spl. P.P. Mr. Vibhakar Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 11-01-2021 Heard Mr. Dhananjay Kumar Pandey, learned counsel
for the appellant, Mr. Binay Krishna, learned Special Public
Prosecutor for the State and Mr. Vibhakar Kumar, learned
counsel for the informant.

The present appeal is directed against the order dated
27.05.2020 passed in Mahila P.S. Case No. 8 of 2019, GR No.
26 / 2019 (A) registered for the offence under Sections 376 /
341 / 323 / 504 / 34 of the I.P.C., Section 4 of the POCSO Act
and Section 3 (i) / (r) of the SC / ST Act by the learned
Additional Sessions Judge -Ist, Banka whereby the prayer for
regular bail of the appellant has been rejected.

The allegation as per the First Information Report is
that the appellant committed rape upon the minor daughter of
the informant.

Learned counsel for the appellant submits that the
appellant has falsely been implicated in this case inasmuch as it
was a love affair between the appellant and the victim girl.
Learned counsel further submits that the victim girl was willing



to marry with the appellant and she entered into physical relationship with the appellant with her consent.

On the other hand, learned counsel for the State as well as learned counsel appearing for the informant opposed the prayer for regular bail and submits that admittedly the victim girl was minor and even if there was consent, it would have no value in the eyes of law and the victim girl in her statement recorded under Section 164 of the Cr.P.C. has categorically stated that the appellant established sexual relationship with her forcibly.

Having regard to the submissions made by the parties and taking into consideration the materials available on record as well as the statement of the victim girl recorded under Section 164 of the Cr.P.C., I am not inclined to grant regular bail to the appellant.

Accordingly, the same is rejected.

However, the appellant may renew his prayer for regular bail after completion of one year from today.

(Anil Kumar Sinha, J)

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