

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29423 of 2020

Arising Out of PS. Case No.-347 Year-2019 Thana- GAYA MUFASIL District- Gaya

CHHOTU KUMAR @ CHHOTU YADAV, Son of Ram Janam Yadav,
Resident of Village - Bhusunda, Balapur Ward No. 53, P.S. - Muffasil, District
- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Virendra Prasad, Advocate
For the Informant	:	Mr. Ajay Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr. Shyam Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 12-01-2021 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 376(DA), 341, 323, 337 of the Indian Penal Code, Section 4 and 6 of the Protection of Children from Sexual Offenses Act, 2012.

Allegation is that the petitioner and co-accused named in the FIR allegedly ravished to the victim-girl. Victim has supported the allegation in her statement recorded under Section 164 Cr.P.C.

The medical report would reveal that the Doctor was not of definite opinion whether rape was committed or not. Old ruptured hymen was found.

Learned counsel for the petitioner submits that the



allegation of the victim is not corroborated by the medical evidence. Moreover, there is no material that the victim ever protested or made any alarm against the act of the accused persons while they were carrying her on the motorcycle.

The victim cannot be disbelieved at this stage. Hence, I am not inclined to enlarge the petitioner on bail in connection with Mufassil P.S. Case No. 347 of 2019 (POCSO Case No. 77 of 2019) pending in the Court of learned Special Judge, POCSO, Gaya.

Hence, prayer of the petitioner for bail is rejected.

(Birendra Kumar, J)

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