

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4248 of 2021

Arising Out of PS. Case No.-271 Year-2020 Thana- KOTWALI District- Patna

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Doman Yadav @ Umesh Yadav Son Of Ram Chandra Ray Resident Of
Village -Sabalpur Bangali Tola, Police Station- Sonpur, District- Chhapra
(Saran), Presently Residing At Mohalla Daroga Rai Path, Police Station-
Kotwali, District- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prashant Kumar

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4. 19-07-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Kotwali P.S. Case No. 271 of 2020, registered for the offence under Sections 354, 376 of the Indian Penal Code and Section 4 of the POCSO Act.

As per the prosecution case, this petitioner is alleged to have enticed away the victim (informant) and took her to a house situated at Yarpur, Patna and committed rape upon her.

It is submitted on behalf of petitioner that no such occurrence, as alleged in the F.I.R., has taken place. There is inconsistency between the F.I.R. and the statement of the minor girl, who is informant, recorded under Section 164 Cr.P.C. in respect of manner of occurrence. In fact, the informant has



changed the entire narration of the occurrence in her statement recorded under Section 164 of the Cr.P.C. As per the medical report, no injury mark was found on the body of informant. It is further submitted that similarly situated co-accused Satish Kumar @ Nepali has already been granted bail by a coordinate Bench of this Court, vide order dated 21.06.2021 passed in Cr.Misc. No. 40190 of 2020. Petitioner is in custody since 26.06.2020.

However, learned A.P.P. for the State vehemently opposed the bail petition and submitted that there is specific allegation against the petitioner of committing rape upon informant, which fact has duly been supported by her in statement recorded under Section 164 Cr.P.C.

Considering the nature and gravity of the offence as well as statement of the victim recorded under Section 164 of the Cr.P.C., I am not inclined to grant bail to the petitioner and same is, accordingly, rejected.

(Prabhat Kumar Singh, J.)

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