

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1824 of 2022**

Arising Out of PS. Case No.-72 Year-2021 Thana- MAHILA PS District- Darbhanga

NAWAL YADAV Son of Shambhu Yadav Resident of Village- Bandh Basti,
P.S.- Sadar (Mabbi O.P.), District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Prakash

For the Opposite Party/s : Mr.A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 26-04-2022 Heard learned counsel for the parties.

The petitioner seeks bail in a case registered for the offence under Sections 376, 354(A), 323, 354(B), 504, 34 of the Indian Penal Code and Section 4 / 6 of the POCSO Act.

As per the prosecution case, on 06.07.2021, while the victim was taking bath at the hand-pump of this petitioner, in the meantime, this petitioner came there and took her to his house and thereafter, forcibly established physical relation with her. The petitioner also took nude picture of victim to blackmail her.

It is submitted on behalf of petitioner that petitioner has been falsely implicated and entire prosecution case is false and concocted. Doctor has not found any sign of rape. Petitioner claims clean antecedent and he is in custody since 10.07.2021.



However, learned A.P.P. for the State opposed the bail petition and submitted that there is specific allegation against this petitioner of committing penetrating sexual assault, which fact has been supported by the victim girl in her statement recorded under Sections 161 Cr.P.C. as well as 164 Cr.P.C. Victim is minor and doctor has assessed her age between 14 – 15 years.

Considering the nature and gravity of offence, I am not inclined to grant bail to the petitioner and same is, accordingly, rejected.

(Prabhat Kumar Singh, J)

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