

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35143 of 2021

Arising Out of PS. Case No.-21 Year-2019 Thana- DHURAIYA District- Banka

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CHOUTHAN YADAV @ SOUTAM YADAV @ CHOUTHAM YADAV Son
of Paddo Yadav Resident of - Kushmaha, P.S.- Dhoraiya, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Adv.

For the Opposite Party/s : Mr. Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 21-03-2022 Heard Mr. Ranjan Kumar Jha, learned counsel for

the petitioner and Mr. Binod Kumar, Additional Public

Prosecutor for the State.

Petitioner seeks regular bail in connection with
Dhoraiya PS Case No. 21/2019 registered for the offence
punishable under Sections 363/366(A)/34 of the IPC and
Section 8 of the POCSO Act.

As per First Information Report, the daughter of the
informant was missing since morning of 20.01.2019 and the
informant has raised a suspicion that the named accused persons
have abducted his daughter.

Learned counsel for the petitioner submits that the
petitioner and other family members of the petitioner have
falsely been implicated in this case due to family dispute and



from perusal of the FIR, it would be evident that the petitioner is an agnate of the informant. He further submits that the FIR has been lodged after a delay of nine days without giving any cogent explanation. He next submits that the girl was recovered at Dhoraiya Market of Banka District on 26.03.2019 and her statement under Section 164 CrPC was recorded in which she has stated that she had left her house on the date of occurrence in the morning at about 7:30 AM for nature's call and was abducted by the petitioner and others and was taken to Noida/Delhi where she was kept in a room and the petitioner has committed rape upon her. Learned counsel next submits that the statement of mother and brother of the victim girl was recorded in para-10 of the case diary wherein, they have stated that the victim girl had left her house for the treatment of her ears on 20.01.2019 and she did not return thereafter. Learned counsel next submits that there is contradiction in the statement of the victim and mother and brother of the victim girl regarding genesis of the occurrence. It is also submitted that in the medical examination the girl has been declared between 17 to 19 years by the doctor.

On the other hand, Mr. Binod Kumar, Additional Public Prosecutor for the State, referring to the case diary and



the statement of the victim girl recorded under Section 164 CrPC, submits that the victim girl has categorically, stated that she was kept confined in a room in Delhi/Noida and was raped by the petitioner and in the medical examination held on 28.03.2019, the doctor has found that the victim girl is pregnant.

Regards being had to the submissions made by the parties and taking into consideration the statement of the victim girl recorded under Section 164 of the CrPC and the medical report of the victim girl, I am not inclined to grant regular bail to the petitioner. The same is, hereby, dismissed.

However, the petitioner, if so advised, may renew his prayer for bail after the statement of the victim girl is recorded in course of trial .

(Anil Kumar Sinha, J)

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