

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.38064 of 2021

Arising Out of PS. Case No.-18 Year-2020 Thana- EKCHARI District- Bhagalpur

AMAN YADAV Son of Late Indradeo Yadav Resident of Village - Badi
Chataiya, P.S.- Ekchari, Dist.- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Anita Kumari Singh

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

3 07-04-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
POCSO Case No. 81 of 2020, arising out of Ekchari Police
Station Case No. 18 of 2020, registered for the offences
punishable under Sections 341/323/376/506 of the Indian Penal
Code and Section 4 of the Prevention of Children from Sexual
Offences Act, 2012.

The prosecution case, as per the First Information
Report lodged by the informant, aged about 13 years, is that the
petitioner and other accused persons committed rape upon her
on the point of knife.



Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to some altercation, which had taken place in the morning of the date of occurrence, between the petitioner and the informant, and in the evening of the same date, the informant was caught red-handed by the petitioner along with a person with whom she was having love affair. She further submits that there is delay in lodging of the First Information Report inasmuch as the occurrence is alleged to have taken place on 29.07.2020; whereas the First Information Report has been registered on 04.08.2020 and in the medical examination, the doctor has not found the sign of rape and the age of the informant was also not assessed.

On the other hand, learned Additional Public Prosecutor submits that from perusal of the statement of the informant, recorded under Section 164 of the Code of Criminal Procedure, 1973, it would be evident that the victim has categorically disclosed the name of the petitioner as one of the persons, who has committed rape upon her.

Regards being had to the submissions made on behalf of the parties and taking into consideration the statement of the victim girl, recorded under Section 164 of the Code of Criminal Procedure, 1973, and the fact that she is minor, I am not inclined



to grant regular bail to the petitioner, at this stage.

This application is, accordingly, dismissed.

However, the petitioner may renew his prayer for bail after one year from today, if the trial does not show any progress.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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