

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 36527 of 2022

Arising Out of PS. Case No.-42 Year-2022 Thana- MAHILA P.S. District- Bhojpur

Vikash Yadav Son of Baban Yadav R/O- Vill- Farhada, P.S.- Barhara, Dist.-
Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Nivedita Nirvikar, Sr. Adv.
	:	Mr. Sujeet Prakash, Adv.
	:	Mr. Krishna Murari, Adv.
For the Opposite Party/s :	:	Mr. Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 19-10-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Mahila P.S. Case No. 42 of 2022 lodged under Section 354(B)
of the I.P.C., 1860 and Section 8 of POCSO Act, 2012.

As per the prosecution case, the specific allegation
has been made by the victim that at 1 pm in the noon of
17.05.2022, when she was returning to her house after
distributing *prasad*, the petitioner caught her hand and started
pressing her breast, in result bleeding started. Upon cry, people
gathered and then informant saved her prestige. It has been

further alleged by the informant in the F.I.R. that on earlier occasions also the petitioner had done the same act but due to intervention of the villagers, *panchayati* took place and case was not filed by her. Due to fear of the petitioner, the informant left her school. Allegation of threatening her is also there upon the petitioner.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that petitioner is in custody since 17.05.2022 having clean antecedent. Charge sheet has already been filed in this case. Learned counsel further submits that the entire F.I.R. is false as the bleeding can not take place upon pressing the breast and in the statement made under Section 164 Cr.P.C., the informant tried to develop her case which may not be accepted.

Learned counsel for the State opposes the prayer for bail and submits that whatever statement informant has narrated in the F.I.R., has been subsequently stated by her, in the statement made under Section 164 of the Cr.P.C. before the Magistrate. He further submits that in the statement recorded under Section 164 of the Cr.P.C., the informant has specifically made allegation upon the petitioner, as she narrated in the F.I.R.

Even the allegation made in the F.I.R. is sufficient to

grant bail. It is due to this reason the

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner, therefore, the bail application stands rejected.

Liberty is hereby granted to the petitioner to renew his prayer for bail after 9 months of framing of charge.

Trial Court is hereby directed to expedite the trial within 9 months.

(Dr. Anshuman, J.)

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