

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47290 of 2021

Arising Out of PS. Case No.-3 Year-2019 Thana- MAHILA P.S. District- Saharsa

Biren Yadav @ Birendra Yadav, Son of Late Tarni Yadav Resident of Village-
Sakra Paharpur (Balbahat O.P.), P.S.- Simri Bakhtiyarpur, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kanchan Jha

For the Opposite Party/s : Mr. Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-03-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Saharsa Mahila P.S. Case No. 03 of 2019 registered for the offences punishable under Sections 341, 376 of the Indian Penal Code and Section 4 of POCSO Act.

According to prosecution case, one Sulekha Devi (informant) gave a written report to S.H.O. Mahila police station alleging therein that her (informant) 8 years old daughter was rapped on the side of pond by one Biren Yadav on 26th January, 2019 evening when the daughter of the informant was returning from Maya Memorial School Paharpur.



Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case only on the basis of suspicion. He further submits that after investigation police has submitted the charge sheet against the petitioner. The petitioner is in custody since 31.01.2019.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail on the basis of material available on the record and the case diary submits that the statement of the victim girl recorded under Section 164 Cr.P.C. as well as medical report as corroborates the allegation as alleged in the F.I.R. and the victim girl is a minor aged about 7 to 9 years.

Considering the aforesaid facts and circumstances, I am not inclined to grant the privilege of bail to the petitioner and accordingly, the same stands rejected.

However, the learned trial court is directed to expedite the trial.

(Rajesh Kumar Verma, J)

mdrashid/-

U		T	
---	--	---	--

