

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61309 of 2021

Arising Out of PS. Case No.-78 Year-2019 Thana- DAWATH District- Rohtas

Yash Raj @ Mukesh Kumar S/O Mahanth Singh R/O Village-Kawai, P.S-
Dawath, District-Rohtas.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subash Kumar

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 29-03-2022 Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner seeks bail in Dawath P.S. Case No. 78 of 2019 corresponding to POCSO Case No. 26 of 2021, registered for the offence punishable under Sections 366(A), 504, 506 and 34 of the Indian Penal Code, section 4/6 of the POCSO Act and sections 366(A), 376, 504, 506/34 of the Indian Penal Code.

As per the prosecution case, petitioner took away the daughter of informant for the purpose of marriage and when informant went at the house petitioner and enquired about his daughter his father and mother abused and threatened.

It is submitted on behalf of the petitioner that petitioner has falsely been implicated in this case. Petitioner and informant are co-villagers. Due to some altercation between the



parties this false case has been lodged. Moreover, FIR has been lodged after fifteen days of the occurrence without any plausible explanation for such inordinate delay. There is no medical report on record. There is contradiction in the statement of victim girl under Section 161 Cr.P.C and 164 Cr.P.C. It is next submitted that due to intervention of the well wishers of the parties a joint compromise petition has also been filed in the Court of learned Additional District & Sessions Judge VII, Rohtas at Sasaram, Exclusive Special Court (POCSO), Rohtas at Sasaram on 15.03.2022. Petitioner is in custody since 12.04.2021 having no criminal antecedent.

Learned APP however, vehemently opposed the prayer for bail and submitted that the victim girl has supported the prosecution version in her statement under Section 164 Cr.P.C and specifically alleged that this petitioner committed rape with her. The court below has assessed the age of victim girl as 16 years.

In view of the statement of victim girl under Section 164 Cr.P.C, I am not inclined to enlarge the petitioner above-named on bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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