

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85 of 2022

Arising Out of PS. Case No.-80 Year-2021 Thana- RAJAON District- Banka

PRINCE KUMAR @ PRINCE KUMAR YADAV So of Basudev Yadav
Resident of Village- Sanjha, P.S.- Rajoun, District- Banka.

... .. Petitioner

Versus

1. The State of Bihar
2. Nisha Kumari Daughter of Pappu Sharma Resident of Village- Sanjha, P.S.-
Rajoun, District- Banka.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rajendra Prasad Sah
For the Opposite Party/s : Mr.Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 28-04-2022 Heard learned counsel for the petitioner and the
State.

The petitioner seeks regular bail in registered for the offences punishable under section 376 of the Indian Penal Code and sections 3/4 of Protection of Children from Sexual Offences (POCSO) Act, 2012.

As per the prosecution case, petitioner committed penetrating sexual assault upon the minor daughter of the informant.

Learned counsel for the petitioner submits that the FIR has been lodged after delay of 7 days and there is no explanation of delay which creates doubt on the veracity of the



prosecution case. He next submits that as per FIR alleged occurrence was seen by the uncle of the victim but during examination he has not supported the prosecution case. In the medical examination, doctor has not found any sign of recent sexual intercourse. Petitioner is in custody since 9.9.2021.

Learned counsel appearing for the State opposes the prayer for bail. He submits that the victim in her statement recorded under section 164 Cr. P. C. has stated that this petitioner committed penetrating sexual assault on her. Doctor has assessed her age to be 14 to 16 years and hymen has been found to be ruptured.

Considering the nature of accusation and aforesaid statement of the victim, prayer for bail of the petitioner is refused.

Let the trial be expedited and concluded as early as possible.

(Prabhat Kumar Singh, J)

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