

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5211 of 2023

Arising Out of PS. Case No.-483 Year-2022 Thana- WARISLIGANJ District- Nawada

SOHAR YADAV Son of Late Kumar Yadav Resident of Village- Mosma,
P.S.- Warisaliganj, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Adv.

For the Opposite Party/s : Mr. Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 07-07-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Warisaliganj P.S. Case No. 483 of 2022 dated 02.09.2022 registered for the offence under Sections 376, 504, 506 and 34 of the Indian Penal Code and Section 3(2)(v) of SC/ST Act.

The daughter of the informant is alleged to have been assaulted and subjected to rape committed by the petitioner.

Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. He



further submits that the allegation, as alleged in the F.I.R., is false and fabricated and the petitioner has not committed any offence. He further submits that the occurrence is alleged to have taken place on 21.08.2022 whereas the F.I.R. is stated to have been instituted on 02.09.2022 after lapse of twelve days without explaining the delay. He further submits that the doctor who has conducted the medical examination of the victim does not find any sign of sexual assault on the person of the victim, therefore, no case under Section 376 of the Indian Penal Code is made out against the petitioner. The petitioner is rotting in judicial custody since 03.09.2022.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that statement of the victim was recorded under Section 164 Cr.P.C. in which she has categorically stated that the petitioner has committed rape upon her. The medical board by which the victim has been examined assessed her age between 10-11 years which established that she was minor at the time of occurrence. He further submits that the victim was examined after twelve days of date of occurrence therefore, no sign of sexual assault was found by the doctor.



Considering the facts and circumstances of the case and specific allegation of commission of rape upon the minor victim is attributed to the petitioner, this Court is not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of this petitioner is rejected.

(Rajesh Kumar Verma, J)

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