

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5455 of 2023

Arising Out of PS. Case No.-8 Year-2019 Thana- MAHILA P.S. District- Saharsa

MADAN YADAV S/O LATE TILEY YADAV RESIDENT OF VILLAGE-
SABAILA, P.S.- SOUR BAZAR (BAIJNATHPUR O.P.), DISTRICT-
SAHARSA.

... .. PETITIONER/S

VERSUS

THE STATE OF BIHAR

... .. OPPOSITE PARTY/S

Appearance :

For the Petitioner/s : Mr. Deepak Kumar , Advocate
For the Opposite Party/s : Mr. Rana Randhir Singh, Addl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 23-06-2023 Heard learned counsel for the petitioner and the

State.

Petitioner apprehends arrest in a case registered for
the offence punishable under section 342, 365, 366 (A), 376
(D), 34 of the Indian Penal Code read with section-4 of POCSO
Act.

As per the prosecution case this petitioner along with
other co-accused persons kidnapped the the minor daughter of
the informant Rambha Devi along with the neighbour girl and
both were raped.



It is submitted on behalf of the petitioner that petitioner is quite innocent and has falsely been implicated in this case. Petitioner is not named in the F.I.R and final form has already been submitted in this case. Petitioner claims clean antecedent.

Learned counsel for the State opposed the prayer for the bail petition and submitted that the delay in initiation of the case was due to non-registration of the FIR by the SHO Baijnathpur (O.P.). The name of the petitioner transpired during the course of investigation. Both the minor girls (victim) have supported the entire prosecution in their statement under section 161 and 164 of Cr.P.C along with the mother against this petitioner and other co-accused persons.

Considering the statement of the victims under section 164 of Cr.P.C and gravity of allegation, prayer for pre-arrest bail of the petitioner is rejected.

(Prabhat Kumar Singh, J)

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