

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7560 of 2023

Arising Out of PS. Case No.-148 Year-2021 Thana- KUMAR KHAND District- Madhepura

Shambhu Yadav, S/O Dev Narayan Yadav @ Devu Yadav, Resident of
Village- Ranipatti, ward No.- 10, P.S.- KumarKhand (Belari O.P.), District-
Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy, Advocate

For the Opposite Party/s : Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 15-03-2023 Heard learned counsel for the petitioner and learned
APP for the State.

In the present case, the petitioner seeks bail in connection with Kumarkhand (Belari O.P.) P.S. Case No. 148 of 2021 and POCSO Case No. 19 of 2021 registered for the alleged offences under Sections 354B of the Indian Penal Code and Section 8 of the POCSO Act.

A report has been received from the learned trial court regarding the present stage of trial wherein it has been submitted that the prosecution evidence is being recorded and out of total six charge-sheet witnesses, evidence of three prosecution witnesses have been concluded.

Earlier the prayer for bail of the petitioner was



rejected by this Court vide order dated 29.06.2022 passed in Cr. Misc. No. 66964 of 2021.

From perusal of the record, it transpires that charge-sheet has been submitted in this case under Section 376 IPC and Section 4 of POCSO Act. The allegation against the petitioner is that he raped the minor daughter of the informant.

The learned counsel for the petitioner submits that there is no allegation of rape in the FIR and FIR has been instituted under Section 354B IPC and Section 8 of the POCSO Act. Learned counsel further submits that earlier prayer for bail was rejected vide order dated 29.06.2022 and the petitioner was granted liberty to renew his prayer, if the trial is not concluded within six months. Learned counsel further submits that the occurrence took place on 02.06.2021 at 06:30 PM whereas the FIR has been lodged on 03.06.2021 at 01:45 PM. Victim girl was not examined by a doctor and there is nothing on record to show that the victim girl has received any injury. Petitioner is in custody since 17.06.2021.

Learned APP opposes the prayer for bail submitting that three witnesses, who have been examined before the learned trial court, have specifically stated that petitioner committed rape with the minor daughter of the informant.



Earlier the statement of the victim girl was also recorded under Section 164 Cr.P.C., wherein she has stated that she was forcibly raped by the petitioner.

Perused the records.

From perusal of record, it transpires that at the time of passing of the order dated 29.06.2022, this Court took notice of the fact as mentioned in the FIR and it seems further relevant materials were not placed before this Court.

In view of serious nature of allegation levelled against the petitioner, I am not inclined to grant bail to the petitioner. Hence, the prayer for bail is rejected.

However, the learned trial court is directed to expedite the trial and conclude the same at the earliest.

(Arun Kumar Jha, J)

Balmukund/-

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

