

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9444 of 2023

Arising Out of PS. Case No.-283 Year-2022 Thana- BIBHUTIPUR District- Samastipur

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MUKESH YADAV @ MUKESH KUMAR Son of Ramdeo Yadav Resident
of Village- Singhiya Ghat, P.S.- Bibhutipur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Anshu Dhar Sharma, Adv.
For the Opposite Party/s :	Mr. Binay Krishna, APP
For the Informant	Mr. Ashok Kr. Mishra, Adv.
	Mr. Harsha Shashwat, Adv
	Mr. Pratibha Srivastava

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 23-08-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner has prayed for bail in a case
instituted for the offence under Section 376 (B) of the Indian
Penal Code and Sections 4 and 6 of the POCSO Act and Section
3(i)(d), 3(1)(gh), 3(1)(w)(ii), 3(2)(v), 3(2)(va) of SC/ST Act.

3. As per allegation in the FIR, it is a case of
committing gang rape by the petitioner and two other accused
persons, namely, Sanjay Kumar upon informant, aged about 17
years. When she tried to raise alarm, accused persons closed her
mouth by cloth and threatened her.

4. Learned counsel appearing on behalf of the



petitioner has submitted that petitioner is innocent and has committed no offence. FIR has been lodged after 24 hours without any plausible reason. Victim girl is at the verge of majority. Petitioner is languishing in judicial custody since 14.7.2022.

5. Learned APP appearing for the State has opposed the prayer of bail and submitted that statement of the victim girl was got recorded under Section 164 Cr.P.C., wherein she has made direct allegation of rape against the petitioner and others. Medical report shows that victim is aged between 16 to 17 years and confirms the allegation of sexual assault.

6. Having heard learned counsel for the parties and taking into consideration that there is direct allegation of committing rape against the petitioner upon the informant, I am not inclined to grant bail to the petitioner and, as such, his application for bail is rejected.

7. The trial court is directed to expedite and conclude the trial.

(Sunil Kumar Panwar, J)

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