

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21860 of 2023

Arising Out of PS. Case No.-558 Year-2022 Thana- NAANPUR District- Sitamarhi

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Raja Kumar Yadav S/O Sri Suresh Yadav @ Suresh Ray R/O Village-
Goglaktol, Ward No. 2, P.S- Nanpur, P.O- Nayatola, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Poonam Devi W/O Sri Brahmdeo Paswan R/O Ward No. 2, Goglaktal,
Kharka Basant, P.S- Nanpur, P.O- Nayatola, Distt.- Sitamarhi.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amrit Abhijat

For the Opposite Party/s : Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 03-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case
instituted for the offence under Sections 376, 504, 506 and 34 of
the IPC, Sections 3(2)va and 3(1)(r)(s) of the SC/ST (Prevention
of Atrocities) Act and Sections 6/8 of the POCSO Act.

As per prosecution case, the informant and her
daughter were cutting grass in the field. Upon hearing the cry of
her daughter, the informant rushed towards the place of
occurrence and found her daughter lying scattered and naked.
Thereafter, the informant's daughter stated that the petitioner



called her near him on the pretext of returning her knife then committed rape upon her and fled away.

It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. He has committed no offence. He submitted that there is a major contradiction of the victim statements, which have recorded u/s 161 and 164 of the Cr.P.C. In her statement of 164 Cr.P.C., she stated that the petitioner committed rape upon her just after, she retracted and stated that this petitioner has tried to commit rape and in the statement of 161 of the Cr.P.C., she stated that only attempt of rape was made, which is apparent from the vide para-22 of the case diary. He further submitted that the informant side is trying to take possession on the land of the petitioner and due to this he has falsely implicated in the present case. During investigation, Medical report has not supported the prosecution case. He is languishing in judicial custody since 30.11.2022.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail



bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Court concerned in connection with Naanpur P.S. Case No. 558 of 2022.

(Sunil Kumar Panwar, J)

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