

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20448 of 2022

Arising Out of PS. Case No.-664 Year-2021 Thana- BARHARA District- Bhojpur

1. VIKKY YADAV Son of Rajdeo yadav Resident of Village - Kachahari ke Tola, P.s. Barhara (Khawaspur), District - Bhojpur.
2. Bishal Yadav Son of Late Tejan Yadav Resident of Village - Kachahari ke Tola, P.s. Barhara (Khawaspur), District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan

For the Opposite Party/s : Mr.Shailendra Kumar

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 03-01-2023 The learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard the learned counsel for the petitioners and learned APP for the State.

The petitioners apprehend their arrest for the offences alleged under Sections 147, 341, 323, 325, 376, 379, 504 and 506 of the Indian Penal Code and Section 4/8 of the POCSO Act including Section 27 of the Arms Act.

The prosecutrix is a girl of 13 years of age. The accused persons named in the FIR including the petitioners entered into her house. Rajdeo Yadav (petitioner no.1) pointed



pistol at the temporal region of her aunt. Vishal Yadav (petitioner no.2) attempted to commit rape upon the prosecutrix and petitioner no.1 committed rape on the elder sister of the informant who is a girl of 17 years of age. The accused persons also assaulted the other inmates of the house.

The learned counsel for the petitioners has submitted that they are innocent and have falsely been implicated in this case. He has submitted further that it is incredible that six persons shall enter into the house of the prosecutrix with intent to commit rape and loot. He has also submitted that no sign of rape in the medical report was found.

On the other hand, Mr. Shailendra Kumar, learned APP has opposed the prayer for bail and submitted that both the rape victims are minor girls and they rendered their statements under Section 164 of the Cr.P.C. and supported the occurrence.

The learned counsel for the petitioners did not mention the motive for false implication of the petitioners in this case, though he has submitted that due to some petty issues there was small altercation between the parties.

Both the victims have corroborated the factum of rape and their mother has also stated that the rape has been committed by the petitioners.



In view of aforesaid, the petitioners do not deserve the privilege of anticipatory bail, which is hereby rejected.

Office shall ensure that all defects are removed by the petitioners within the stipulated time as provided hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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