

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25978 of 2023**

Arising Out of PS. Case No.-119 Year-2022 Thana- GAMAHARIYA District- Madhepura

Ranjeet Kumar Son Of Sukhnandan Yadav @ Aghori Yadav Village Chikni
Fulkaha, Ward No. 7 ,P S Gamhariya ,DISTRICT Madhepura

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Miss X D/O Shri Fulchand Yadav Village Chikni Fulkaha Ward No 7 P S
Gamhariya District Madhepura

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Bhaskar Shankar, Advocate
For the Opposite Party/s	:	Mr.Sanjay Kumar Singh, APP
For the Informant/s	:	Mr. Ajay Kumar Thakur, Advocate
		Mr. Ritwik Thakur, Advocate

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 24-05-2023 Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner has preferred this application for grant of regular bail in connection with POCSO P.S. Case No. 31 of 2022 arising out of Gamhariya P.S Case No. 119 of 2022 dated 20.06.2022 registered for the offences punishable under Sections 341, 323, 376 and 313 read with 34 of the Indian Penal Code and Section 4 of the POCSO Act.

As per the prosecution case, the allegation against the petitioner is of committing rape on the informant's daughter by



enticing her and she became pregnant and the said pregnancy was got terminated on account of taking tablet which was provided by mother of the petitioner.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Learned counsel further submitted that the medical prescription dated 17.06.2022 does not show treatment of abortion of the victim. It is further submitted that the victim is a major girl aged about 19 years therefore no case under the POCSO Act is made out. Learned counsel for the petitioner has further submitted that the victim was medically examined on 21.06.2022 and the doctor has opined that no bruise and abrasion were present in the external and the internal part on the person of the victim. There is no recent sign of intercourse at the time of examination. It is also submitted that no any medical prescription with regard to treatment of abortion was filed on behalf of the informant. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 20.06.2022

Learned A.P.P. for the State as well as the learned counsel for the informant have vehemently opposed the bail petition of the petitioner. Learned counsel for the informant has further filed a medical prescription in which the victim was referred to gynecologist for treatment. The medical board has



assessed the age of the victim as 17 to 19 years.

Considering the aforesaid facts and circumstances of the case as well as the period of custody and the materials available on record, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Madhepura in connection with POCSO P.S. Case No. 31 of 2022 arising out of Gamhariya P.S Case No. 119 of 2022, with the condition :-

1. The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner is liable to be cancelled.

The application stands allowed.

(Chandra Prakash Singh, J)

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