

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 27966 of 2022

Arising Out of PS. Case No.-438 Year-2021 Thana- GHORASAHAN District- East
Champaran

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AMIT YADAV SON OF KAILASH PRSAD YADAV R/O- PAREI, P.S.-
SHIKARGANJ, DIST- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr Anuj Kumar, Advocate
For the State	:	Ms Pushpa Sinha, APP
For the Informant	:	Mr Madhurendra Kumar, Advocate

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD
ORAL ORDER

4 17-01-2023 Heard learned counsel for the petitioner, informant
and learned Additional Public Prosecutor (for brevity, **APP**)
appearing for the State of Bihar.

The petitioner seeks bail in Ghorasahan Police Station
(for brevity, **PS**) Case No 438 of 2021 dated 08.10.2021
registered for the offence punishable under Sections 363, 365,
376/34 of Indian Penal Code and Sections 4, 8 of Protection of
Children from Sexual Offences Act.

Allegation is that the informant's daughter had gone
to the Puja Pandal and did not return. After vehement search,
she could not be traced.

Learned counsel for the petitioner submits that the
petitioner's name has come in this case because the victim
allegedly was recovered from the lodge where the petitioner and
others were residing. The allegation regarding rape is an



afterthought and is false which is evident from the medical report which does not corroborate the allegation. The petitioner is stated to be in custody since 29.10.2021.

Learned APP and learned counsel for the informant have submitted that the victim has supported the allegation against the petitioner in her statement recorded under Section 164 of Criminal Procedure Code. Date of birth in her educational testimonials establishes that she is a minor. The petitioner has at least five antecedents, as per disclosure made in paragraph 3 of the bail application and prayer for bail of co-accused Amit Kumar @ Amit Kumar Tiwary @ Amit Tiwari has been rejected by this Court by order dated 12.10.2022 passed in Cr Misc No 70939 of 2021.

Having considered the rival submissions, material on record, gravity of the allegations and also antecedents of the petitioner, this Court, is inclined to accept the submissions advanced by the learned APP and the learned counsel for the informant.

Prayer for bail of the petitioner is rejected for the present.

(Madhuresh Prasad, J)

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