

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31691 of 2022

Arising Out of PS. Case No.-77 Year-2021 Thana- MAHILA P.S District- Supaul

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Ganesh Kumar Yadav S/o Kapildeo Yadav R/o Village - Dubiahi, Ward No. 19, P.S. - Pipra, District - Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mamta Kumari, W/o Ganesh Kumar Yadav, D/o Shiv Narayan Yadav, R/o Village- Dubiahi, Ward No. 19, P.S. Pipra, Dist. Supaul.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Giri, Advocate
For the Opposite Party/s : Mr. Amit Kumar Rakesh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 27-02-2023 Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, if any, within a period of four weeks from today.

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

Petitioner seeks bail in a case registered for the offences punishable under Sections 376, 341, 323, 504, 506, 34 of the Indian Penal Code and Section 4 of the POCSO Act.

Allegation against the petitioner is that he made sexual relationship with the informant namely Mamta Kumari on the pretext of marriage with her and in course of love affair and physical relationship she became pregnant and female baby was born on 12.11.2021.

Learned counsel for the petitioner submits that the



petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that it appears from the F.I.R. that the informant had not mentioned any specific date in which the alleged occurrence took place and the allegation as alleged in the F.I.R. is false and fabricated and no such occurrence had taken place as alleged in the F.I.R.

Learned APP for the State, on the other hand, on the basis of the material available on record as well as the case diary, has vehemently opposed the prayer for bail of the petitioner and submits that the statement of the victim was recorded under Section 164 of the Cr. P.C. in which she has categorically stated that the petitioner has committed rape upon her and during investigation a number of witnesses have supported the case of the prosecution.

Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with Mahila P.S. Case No. 77 of 2021 pending in the Court of learned Additional District & Sessions Judge-VI-cum-Special Judge (POCSO), Supaul, Dist-Supaul.

Prayer is refused.

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(Rajesh Kumar Verma, J)

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