

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.32652 of 2023

Arising Out of PS. Case No.-8 Year-2023 Thana- MAHILA P.S BAGHA District- West Champaran

Umesh Yadav Son of Sri Brahma Yadav Resident of Village- Anand Nagar
Awsani, Ward No. 07, PS- Bagaha (Patkhauli), District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

Mr. Amrit Kirti, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

For the Informant : Mr. Akhileshwar Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 08-08-2023 Heard learned counsel for the petitioner, learned
counsel appearing on behalf of the informant as well as learned
Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

3. Petitioner seeks bail who is in custody since
09.03.2023 in connection with Bagaha Mahila P.S. Case No. 08
of 2023, F.I.R. dated 07.03.2023 for the offences punishable
under Sections 376 and 511 of the Indian Penal Code and
Section 4/8 of POCSO Act, 2012.

4. According to prosecution case, this petitioner while
on the way to home, has committed wrong with the minor
daughter of the informant.

5. Learned counsel for the petitioner submits that



petitioner is innocent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R.

6. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that the victim was recovered and her statement was recorded under Section 164 of the Cr.P.C in which she has supported the allegation and has particularly stated that the petitioner has committed rape upon her and the medical report of the victim also confirms the allegation as alleged in the F.I.R and in the statement of the victim which was recorded under Section 164 of the Cr.P.C. They further submits that at the time of occurrence, the victim was minor.

7. Considering the aforesaid facts and circumstances, I am not inclined to enlarge the petitioner on bail in connection with Bagaha Mahila P.S. Case No. 08 of 2023 pending in the court of learned Additional Sessions Judge VII cum Special Judge, West Champaran at Bettiah.

8. Prayer is refused.

(Rajesh Kumar Verma, J)

Vanisha/-

U		T	
---	--	---	--

