

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44742 of 2023

Arising Out of PS. Case No.-2 Year-2023 Thana- MAHILA P.S. District- Madhepura

Chandrakishore Yadav Son Of Jitan Yadav @ Jitendra Prasad Yadav Resident
Of Village Madheli Bazar Ward No 12, Ps- Shankarpur, Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh

For the Opposite Party/s : Mr. Ram Bilash Roy Raman

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 08-08-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner has prayed for bail in connection with Madehpura (Mahila) P.S. Case No. 02 of 2023 instituted for the offence under Sections 376, 341, 323, 504, 506/34 of the Indian Penal Code and Sections 4/6 of the POCSO Act.

3. According to the FIR, the petitioner is alleged to have committed rape of the minor daughter of the informant, aged about 11 years by wrapping her mouth while she was watering the field of wheat. It is further alleged that the petitioner tried to kill the daughter of the informant by strangulation.

4. Learned counsel for the petitioner submits that the petitioner is innocent and committed no offence. He has falsely



been implicated in this case due to dirty village politics. For the alleged occurrence of 22.1.2023, FIR was lodged in delay of five days on 27.1.2023. The medical report of the victim has not supported the prosecution case. A statement has been made in para-3 of the petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 21.2.2023.

5. Learned APP appearing for the state and learned counsel for the informant have vehemently opposed the prayer of regular bail and submitted that the petitioner is named in the FIR upon whom the specific allegation of rape has been made. The victim girl supports the prosecution allegation in her statement recorded u/s 161 as well as 164 of the Cr.P.C. in which she stated that the petitioner committed rape after wrapping her mouth. The victim girl also stated her age about 11 years. It is further submitted that witnesses of this have also supported the prosecution case.

6. Having heard the learned counsel for the parties and considering the fact that there is specific allegation of rape against the petitioner, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.



7. The trial Court is directed to expedite the trial and
conclude the same as soon as possible.

(Sunil Kumar Panwar, J)

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