

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48581 of 2022

Arising Out of PS. Case No.-69 Year-2022 Thana- CHANDAUTI District- Gaya

SHIV SHANKAR YADAV S/o Raj Kumar Yadav R/o village- Bangali Bigha,
P.S.- Chandauti, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No.2, Advocate

For the Opposite Party/s : Dr. Indihar Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 28-03-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 376 and 376(AB) of the
Indian Penal Code.

According to prosecution case, the informant namely,
Mahesh Yadav alleging therein that on 24.02.2022 at about
11.00 PM he had gone to sleep after taking meal, suddenly he
heard the cry of his daughter Anshu, he got up and saw that she
was not at her place. He moved towards the door, it was open
and Anshu was coming towards home while weeping. Hearing
this all the members of home woke up and came to saw bleeding



from her private part and blood stained on her body. The girl told her that some body had pressed her mouth and had carried her away and committed wrong with in middle school.

Learned counsel for the petitioner submits that petitioner has clean antecedent 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 due to land dispute the present false case has been instituted against the petitioner. He further submits that the medical evidence of the victim does not support the allegation as alleged in the F.I.R.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the basis of material available on record and case diary submits that the statement of the victim girl which was recorded under Section 164 Cr.P.C. in which she has categorically stated that the petitioner has committed rape upon her and also supported the allegation as alleged in the F.I.R. He further submits that during investigation the police has also recorded the confessional statement of the petitioner in which he has confessed his involvement in the present case.

Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with Chandauti P.S.



Case No. 69 of 2022 pending in the court of learned Special Judge (POCSO)-cum-Additional District and Sessions Judge- VI, Gaya.

Prayer is refused.

(Rajesh Kumar Verma, J)

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