

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 51460 of 2022

Arising Out of PS. Case No.-34 Year-2022 Thana- MAHILA PS District- Gaya

MANISH KUMAR @ MANISH YADAV @ DHAKALON YADAV S/o
Preman Yadav R/o village- Ladi Tola Teura, P.S.- Mohanpur, District- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. SHILA DEVI W/o Kamlesh Yadav R/o village- Ladu Tola Teura, P.S.-
Mohanpur, District- Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 14-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in a case registered for the offence punishable under sections 376, 376(3), 504, 506/34 of the Indian Penal Code and sections 4 and 6 of the POCSO Act.

It is a case of committing rape by the petitioner upon the minor daughter, aged about 16 years, of the informant when she was out of the house near river side for call of nature. When she raised alarm, her mother heard her crying and ran towards river side and saw that petitioner was in compromising condition and on seeing her he managed to escape. After the



alleged occurrence, she returned her home and narrated the story to her parents.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. Only with a view to grab the land of the petitioner as his father resides in his Sasural, a false case has been lodged against him. Due to some previous enmity between the parties, he has been falsely implicated in this case. The medical report contradicts the prosecution version. The petitioner is languishing in judicial custody since 24.04.2022.

Learned APP appearing for the State has opposed the prayer of bail and submitted that statement of the victim girl was got recorded under Section 164 Cr.P.C., wherein she has made direct allegation of rape against the petitioner.

Having heard learned counsel for the parties and taking into consideration that there is direct allegation of committing rape against the petitioner upon the minor girl of the informant, I am not inclined to grant bail to the petitioner and, as such, his application for bail is rejected.

(Sunil Kumar Panwar, J)

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