

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53015 of 2022

Arising Out of PS. Case No.-132 Year-2022 Thana- WAJIRGANJ District- Gaya

Nagendra Yadav @ Mani S/O Rambriksh Yadav @ Bhagat Ji Resident of
village- Aaropur, P.S.- Wazirganj, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 55016 of 2022

Arising Out of PS. Case No.-132 Year-2022 Thana- WAJIRGANJ District- Gaya

Hari Nandan Yadav @ Hari S/o Ramdahin Yadav R/o village- Aaropur, P.S.-
Wazirganj, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 53015 of 2022)

For the Petitioner/s : Mr. Manish Kumar No2, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

(In CRIMINAL MISCELLANEOUS No. 55016 of 2022)

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

For the Opposite Party/s : Ms. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 03-04-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

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

Petitioners seek bail in a case registered for the



offences punishable under Sections 376(DB)/34 of the Indian Penal Code and Sections 4/6 of the POCSO Act.

According to prosecution case, the petitioners have committed rape of the victim who is also the informant. It is further alleged that she was also threatened by the accused persons.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that it appears from the F.I.R. that the date of occurrence is 10.03.2022 but the present F.I.R. is instituted on 21.03.2022 i.e. after delay of 10 days without giving any explanation of the said delay. He further submits that the no such occurrence took place as alleged in the F.I.R.

The learned Additional Public Prosecutor on the basis of material available on record and the case diary has vehemently opposed the prayer for bail of the petitioners 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 petitioners have committed rape upon her.

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



Case No. 132 of 2022 pending in the court of learned Special Judge (POCSO)-cum- Additional District & Sessions Judge VI, Gaya.

Prayer is refused.

(Rajesh Kumar Verma, J)

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