

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60186 of 2022

Arising Out of PS. Case No.-31 Year-2022 Thana- MAHILA PS District- Buxar

MANOJ YADAV Son of Surendra Yadav R/v- Niyazipur, P.S.- Simari,
District- Buxar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Setu Prateek, Advocate

For the Opposite Party/s : Mr.Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 17-01-2023 Heard the learned counsel for the
petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with POCSO Case No.32 of 2022 arising out of Buxar Mahila P.S. Case No.31 of 2022, registered for the offences punishable under Sections 376, 323, 506 of the Indian Penal Code and Section 4 of the POCSO Act.

The case of the prosecution, in brief, is that the petitioner had called the victim girl on mobile phone and had told her to meet him, however, she did not go to meet the petitioner, nonetheless, when she had gone outside to



attend the call of nature, the petitioner had raped her.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 28.04.2022. The learned counsel for the petitioner has further submitted that both the petitioner and the informant are having love affair and the act in question is consensual in nature, hence the petitioner is not having any complicity in the matter.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials on record as also considering the facts stated in the impugned order dated 07.09.2022, this Court finds that the factum of rape committed by the



petitioner with the informant stands corroborated not only by the materials available in the case diary but also by the statement made by the victim girl under Section 164 CrPC before the learned Magistrate and moreover, the victim girl was a minor on the alleged date of occurrence, hence, the petitioner's complicity is writ large from the records, thus, I do not find any merit in the present petition.

Accordingly, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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