

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71320 of 2022

Arising Out of PS. Case No.-23 Year-2022 Thana- District- Nawada

MANISH KUMAR @ MANISH YADAV Son of Chandrika Prasad Yadav
R/V- Madhopur, PO- Paharpur, P.S- Nawada, Dist- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh Md. P.K. Verma
For the Opposite Party/s :		Mr.Pawan Kumar Chaurasia
For the Informant		Mr. Arjun Prasad

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 18-04-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner has prayed for bail in connection with
Rajauli P.S. Case no. 23 of 2022 instituted for the offence under
Sections 376 of the Indian Penal Code and Section 4/6 of the
POCSO Act.

It is a case of commission of rape by the petitioner
upon the informant, aged about 16 years, after entering into her
house while she was sleeping in her room. When she raised
alarm, her family members came there to rescue her but they
were beaten by this petitioner.

Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no



offence. He has been falsely implicated in this case due to previous enmity as the money taken by the informant for the construction of her house was not being returned in spite of repeated requests made by the petitioner. He has no criminal antecedent. He is languishing in judicial custody since 12.07.2022.

Learned APP appearing for the State has opposed the prayer of bail and submitted that during investigation, several witnesses have supported the prosecution story. Statement of the victim girl was recorded under Section 164 Cr.P.C., wherein she has made direct allegation of rape against the petitioner. Doctor has assessed her age between 14 to 16 years as per medical report.

Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

The trial court is directed to expedite and conclude the trial.

(Sunil Kumar Panwar, J)

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