

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69319 of 2023

Arising Out of PS. Case No.-25 Year-2023 Thana- MAHILA PS District- Buxar

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Anil Kumar @ Anil Yadav Son Of Kashi Yadav Resident Of Village - Purana
Bhojpur, Police Station - Dumrao, District - Buxar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Dr. Ajeet Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 20-12-2023 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner has preferred this application for
grant of regular bail in connection with Buxar Mahila P.S. Case
no. 25 of 2023 corresponding to POCSO Case no. 71 of 2023
registered under section 376(2) of the Indian Penal Code and
section 6 of the POCSO Act.

3. As per prosecution case, the informant states that
she is a minor and was taking tuition from the petitioner. On the
date of occurrence, the petitioner committed rape on her.

4. Learned counsel for the petitioner submits that the
petitioner has been falsely implicated in the case for oblique
reasons and village politics. The allegations are false and
concocted. In the radiological examination the alleged victim



has been ascertained to be a major. From the contents of her statement recorded under section 164 Cr.P.C it would transpire that she was regularly visiting the petitioner. The petitioner is in custody since 7.8.2023 and charge-sheet has been submitted in the case.

5. The application for bail is opposed by learned APP for the State who submits that though it is correct that in the medical examination, the age of the victim has been assessed to be 18 years, however in her statement recorded under section 164 Cr.P.C she has supported the allegations of rape against this petitioner.

6. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner in the F.I.R together with the contents of the statement of the victim recorded under section 164 Cr.P.C, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

(Partha Sarthy, J)

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