

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71353 of 2022

Arising Out of PS. Case No.-79 Year-2021 Thana- MAHILA PS District- Buxar

Mahendra Singh @ Mahendra Singh Yadav S/o Late Dharmdev Singh R/o
Village- Gowardhanpur, P.S.-Dhansoi, Distt- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 11-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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

Petitioner seeks bail who is in custody since
07.10.2022 in connection with Mahila P.S. Case No. 79 of 2021,
F.I.R. dated 03.10.2021 for the offences punishable under
Section 376 of the Indian Penal Code and Section 4/6 of the
POCSO Act.

According to prosecution case, this petitioner found
the victim alone in the house committed rape upon her and
threatened to kill her if she disclosed the matter.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that the



allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. He further submits that the alleged occurrence has taken place on 07.09.2021 and the present F.I.R has been instituted on 13.10.2021 only to falsely implicate the petitioner in this case.

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 petitioner and submits that statement of the victim is recorded under Section 164 of the Cr.P.C. in which she has categorically stated that the petitioner has committed rape upon her and the medical report also suggest that something wrong has been happened with the victim.

Considering the aforesaid facts and circumstances, I am not inclined to enlarge the petitioner on bail in connection with Mahila P.S. Case No. 79 of 2021 pending in the court of learned Additional District & Sessions Judge-Vith-cum-Special Judge, POCSO Act, Buxar.

Prayer is refused.

(Rajesh Kumar Verma, J)

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