

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74121 of 2022

Arising Out of PS. Case No.-75 Year-2022 Thana- MAHILA PS District- Gaya

PRAMANAND KUMAR @ BHOLA YADAV Son of Shambhu Yadav
Resident of Village- Vikram Bigha, P.S.- Belaganj, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No2, Advocate
For the State : Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-06-2023 Heard learned counsel for the petitioner and learned
Special P.P. for the State.

Petitioner seeks bail, who is in custody since 31.08.2022, in connection with POCSO Case No. 117 of 2022, arising out of Mahila P.S. Case No. 75 of 2022 F.I.R. dated 30.08.2022 registered for the offences punishable under Sections 376, 376(AB), 313 of the Indian Penal Code, Section 4 and 6 of the POCSO Act and Sections 3(1)(r)(s)(w)(i)/3/2(va) of the SC/St Act.

Allegation against the petitioner is that he forcibly established physical relation with the daughter of the informant who is aged about ten years.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely 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 offence as alleged in the F.I.R.

Learned Special P.P. for the State, on the other hand, on the basis of material available on record and the case diary, vehemently opposed the prayer for bail and submits that the statement of the victim girl was recorded under Section 164 of the Cr. P.C. in which she has categorically stated the details of the occurrence and stated that the petitioner has committed rape upon her and after that she became pregnant and on the pressure of the petitioner the same was aborted and it has come during investigation in the medical report that the victim was minor at the time of the occurrence.

Considering the aforesaid facts that there is direct allegation against the petitioner, I am not inclined to enlarge the petitioner on bail in connection with POCSO Case No. 117 of 2022 arising out of Mahila P.S. Case No. 75 of 2022 pending in the Court of Sepcial Judge POCSO Court-cum-Additional District and Sessions Judge-Vith, Gaya.

Prayer is refused.

(Rajesh Kumar Verma, J)

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