

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.140 of 2023

Arising Out of PS. Case No.-330 Year-2021 Thana- KUMAR KHAND District- Madhepura

MANTU KUMAR @ MANTU KUMAR YADAV S/o Arun Yadav R/v-
Ranipatti, Ward No. 12, P.S.- Kumarkhand, District- Madhepura

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad

For the Opposite Party/s : Mr.Madhura Nand Jha

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 11-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in a case instituted for
the offence under Section 377 of the Indian Penal Code and
Section 4 of the POCSO Act.

The allegation against the petitioner is of making
unnatural obscene act with the minor son of the informant.

It is submitted by learned counsel for the petitioner that
petitioner has been falsely implicated in this case. He has
committed no offence. He submitted that petitioner is a labour
person, who is single bread earner to his family. He submitted that
there is a case and counter case between the parties. Petitioner is
languishing in judicial custody since 28.11.2021.

Learned APP for the State has opposed the application



for bail and submitted that the unnatural obscene Act has been committed by this petitioner upon the victim boy, who is a minor. The victim boy in his statement, which has been recorded u/s 164 of the Cr.P.C., stated that the petitioner took him in *bansbatti* and raped him. As per injury report of the victim boy, it appears that the cause of injury is penetration, which corroborates the prosecution case. During investigation all the witnesses also supported the prosecution case.

Having heard the learned counsel for the parties and considering the nature of allegation as well as criminal antecedents of the petitioner, 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 conclude the trial expeditiously.

(Sunil Kumar Panwar, J)

arish/-

U		T	
---	--	---	--

