

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12184 of 2024

Arising Out of PS. Case No.-227 Year-2023 Thana- DUMRAO District- Buxar

Hari Kishun Yadav Son Of Rama Shankar Yadav R/O-Channa, P.S.-Dumraon,
Distt.-Baxar

... .. Petitioner/s

Versus

The State of Bihar & Anr.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bindeswari Singh, Advocate
For the Opposite Party/s	:	Mr. Sadanand Paswan, APP
For the Informant	:	Mr. Navin Kumar Jha, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

5 15-07-2024 Heard learned counsel for the petitioner, learned
counsel for the Informant and learned APP for the State.

2. The petitioner seeks bail in connection with Dumraon
P.S. Case No. 227 of 2023 instituted for the offences punishable
under Sections 376(DA) 370, 370A of Indian Penal Code, Section
6 of POCSO Act and Sections 3(i)(r)(s)(w)(i)(ii), 3(2)(v)(a) of
SC/ST Act.

3. The prosecution case, in short, is that on 08.05.2023 in
evening the informant's minor daughter aged about 14 years went
out from the house secretly for which hectic search in between
relatives has been made but did not find her and after few days
informant's relative told him on phone that his daughter has been
forcefully got dance programme by Chana and Pratap Sagar



people and when she made protest then she has been abusing by caste name and bad job has been done with her. Thereafter, the present case has been lodged by the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. F.I.R. has been lodged on 29.05.2023 while daughter of the informant fled away from the house on 08.05.2023, but no satisfactory explanation has been given in the F.I.R. A statement has been made in para 3 of the bail petition that petitioners has no criminal antecedent. He is languishing in judicial custody since 11.07.2023.

5. Learned APP for the State as well as the Informant have vehemently opposed the prayer for bail.

6. From perusal of the F.I.R. and impugned order dated 19.07.2023 and 07.07.2023, it appears that on the basis of written report of informant, F.I.R. was registered against three accused persons including the petitioner. On perusal of case diary and statement of victim recorded u/s 164 of the Cr.P.C., it also appears that this is a case of gang rape of scheduled caste minor girl. The victim girl in her statement recorded u/s 164 of the Cr.P.C. has specifically stated against this petitioner that he has committed rape with her forcefully.

7. Considering the facts and circumstances of the case,



submissions of learned counsel for the parties and serious nature of allegation, I am not inclined to grant bail to the petitioner.

8. Prayer for regular bail of the petitioner is hereby rejected.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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