

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31217 of 2024

Arising Out of PS. Case No.-112 Year-2023 Thana- GOGRI District- Khagaria

=====

BABU YADAV @ BABBU YADAV SON OF SHASHI YADAV RESIDENT
OF VILLAGE - RABRI NAGAR (PAURA), GOGARI (PAURA), DISTRICT
- KHAGARIA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Hafiz Shahbaz Arif, Advocate
For the Opposite Party/s	:	Mr. Rajiv Nayan, APP
For the Informant	:	Mr. Chandan Kumar Kashyap, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 26-07-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with POCSO Case no.62 of 2023, arising out of Gogari (Paura) P.S. Case no.112 of 2023, GR no.7/23, registered under sections 376 and 506 of the Indian Penal Code and section 4 (2) of the POCSO Act.

3. As per the prosecution case, the 15 year old informant-victim states that the petitioner committed rape on her.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. The story made out by the informant that she had gone out to see *mela* along with the brother-in-law (*sala*) of her cousin brother is



absolutely absurd. The informant is a major around 25-26 years. No medical report is on record substantiating the alleged assault carried out by the petitioner. The petitioner is in custody since 6.12.2023 and chargesheet has been submitted in the case.

5. The application for bail is opposed by learned APP for the State and learned counsel for the informant.

6. Having heard learned counsel for the parties and taking into consideration the allegation in the FIR wherein the 15 year old informant alleges that the petitioner committed rape on her together with the material that has transpired in course of investigation including the finding of the medical board assessing the age of the informant-victim to be 15-16 years and charge having been framed against the petitioner in the learned trial Court under sections 376(3) and 506 of the Indian Penal Code and section 4(2) of the POCSO Act, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

7. Learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

Shiv/-

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

