

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42156 of 2024

Arising Out of PS. Case No.-66 Year-2023 Thana- MAHILA PS District- Aurangabad

Kaushal Kumar @ Natwar Son of Gopal Yadav Resident of Village -
Hasanpur, P.S.- Uphara, District - Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Vijay Kumar Yadav Son of Late Alakhdeo Yadav Resident of Village -
Hasanpur, P.S.- Uphara, District - Aurangabad.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

6 07-10-2024 Heard learned counsel for the petitioner and Mr.
Shailendra Kumar, learned APP for the State.

2. The petitioner seeks bail in connection with
Aurangabad Mahila P.S. Case No. 66 of 2023 registered for the
offence punishable under Sections-341, 323, 376, 506/34 of the
Indian Penal Code and 4 of the POCSO Act.

3. As per allegation, minor daughter of the informant
aged about 10 years went out of her house for cutting grass. The
informant's daughter came her home crying and the informant
saw bleeding on her legs and in her pant. The victim informed
the informant that the petitioner committed wrong act with her
after opening her pant.



4. Learned counsel for the petitioner has submitted that the medical report is suspicious. It has also been submitted that the victim is a major and she is not mentally sound. There is no eye witness to the alleged occurrence. The petitioner is languishing in judicial custody since 02-12-2023.

5. On the otherhand, Mr. Shailendra Kumar, learned APP has opposed the prayer for bail by submitting that the learned Magistrate at the time of recording statement of the victim under Section 164 of the Cr.P.C. has assessed her aged as 11 years and in her statement, she has fully corroborated the allegation. He has next submitted that as per opinion of the doctor, it is most probably a case of rape though it was not confirmed.

6. The victim is a minor aged about 11 years. She has fully supported the allegation in her statement recorded u/S 164 of the Cr.P.C.

7. In my view, the petitioner does not deserve the privilege of bail and accordingly, the same is rejected.

(Nawneet Kumar Pandey, J)

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