

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46085 of 2024

Arising Out of PS. Case No.-6 Year-2024 Thana- PAKARIBARAW District- Nawada

KAILASH YADAV SON OF LAKHAN YADAV VILLAGE- SUDANPUR,
P.S.- PAKRIBRAWAN, DISTT.- NAWADA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 60225 of 2024

Arising Out of PS. Case No.-6 Year-2024 Thana- PAKARIBARAW District- Nawada

Ganesh Yadav Son of Sunil Yadav Resident of Village- Sudanpur, P.S.
Pakribarawan, District- Nawada

... .. Petitioner/s

Versus

1. The State of Bihar
2. XXXXXX, R/o Village- Chharihari, P.S.- Pakribarawan, District- Nawada

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 46085 of 2024)

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

For the Informant : Mr. Arjun Prasad, Advocate

(In CRIMINAL MISCELLANEOUS No. 60225 of 2024)

For the Petitioner/s : Mr. Manmohan Kumar, Advocate

For the Opposite Party/s : Ms. Nirmala Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 25-09-2024 Heard learned counsel for the petitioners, learned APP

for the State, learned counsel for the informant and perused the

case diary.

2. The petitioners seek bail in connection with

Pakribrawan P.S. Case No. 6 of 2024 instituted for the offences



under Sections 376D of the Indian Penal Code and 4/6 of the POCSO Act.

3. Allegation against the accused-petitioners is that they have committed rape upon the victim.

4. Learned counsel for the petitioners jointly submitted that petitioners have falsely been implicated in the present case. Learned counsel further submitted that there is a delay of four days in lodging the FIR without plausible explanation, which in itself, raises doubt over the prosecution story. Learned counsel further submitted that the allegation against the petitioners is not even supported by the medical report. Learned counsel further contended that, as a matter of fact, the informant has falsely implicated both the petitioners due to sewerage dispute. It has been submitted on behalf of the petitioners that the petitioner, namely, Kailash Yadav is in custody since 11.01.2024 whereas petitioner, namely, Ganesh Yadav, is in custody since 08.01.2024 and both petitioners have no criminal antecedent.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioners. Learned APP further submitted that victim, in her statement recorded under Section 164 of the



Cr.P.C., has also corroborated the contents of the FIR. Learned APP and learned counsel for the informant, therefore, pray that the petitioners do not deserve the privilege of bail.

6. Considering the nature and gravity of offence and direct allegation against the petitioners supported by the statement of the victim recorded under Section 164 of the Cr.P.C., this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for grant of bail to the petitioners is, hereby, rejected.

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

(Rudra Prakash Mishra, J)

Alok Verma/-

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