

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47097 of 2024

Arising Out of PS. Case No.-162 Year-2023 Thana- NAUHATTA District- Rohtas

Shambhu Yadav S/O Jagdish Yadav, R/O Village- Kamal Khairwa, P.O-
Daranagar, P.S- Nauhatta, Distt.- Rohtas At Sasaram.

... .. Petitioner

Versus

1. The State of Bihar.
2. Aditya Kumari D/O Late Shambhu Uraon, R/O Village- Kamal Khairwa,
Tola, P.O- Daranagar, P.S- Nauhatta, Distt.- Rohtas At Sasaram.

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Deovind Kumar Singh, Advocate
For the Opposite Party : Mr. Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-09-2024 Heard Mr. Deovind Kumar Singh, the learned
counsel for the petitioner, the learned counsel appearing on
behalf of informant, and Mr. Sadanand Paswan, the learned
Special Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since
04.03.2024, in connection with Nauhatta P.S. Case No. 162 of
2023, FIR dated 16.10.2023, registered for the offences
punishable under Section 376 of the Indian Penal Code and
under Sections 4 and 6 of POCSO Act and also under Sections
3(i)(r)(s) and 3(2)(va) of the SC/ST Act.

3. According to the prosecution case, the petitioner
came in hut of the informant, which was constructed in her farm



and committed rape upon her.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that the allegation levelled in the FIR is not supported by medical evidence and it is evident from the FIR itself that the date of alleged occurrence is on 11.10.2023 and the date of lodging of FIR is on 16.10.2023, after delay of five days without giving any explanation for the delay.

5. The learned counsel for the informant as well as the learned Special Public Prosecutor for the State on the other hand on the basis of materials available on record and case diary has vehemently opposed the prayer for bail of the petitioner and submits that from perusal of the FIR, it appears that informant has stated the reason for delay in lodging of the FIR. Apart from that, the informant / victim has categorically stated that the petitioner has committed rape upon her and the medical examination of the victim was performed on 17.10.2023, after six days from the date of occurrence, so no semen was found during the medical examination of the victim.



6. Considering the aforesaid facts and circumstances, I am **not** inclined to enlarge the petitioner on bail in connection with Nauhatta P.S. Case No. 162 of 2023, pending in the Court of learned Additional District Judge-VII-cum-Exclusive Special Judge POCSO Act, Rohtas at Sasaram.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

Shahnawaz/-

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