

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51518 of 2024

Arising Out of PS. Case No.-62 Year-2023 Thana- MAHILA P.S District- West Champaran

Sunil Yadav Son of Surbali Yadav @ Dadhi Yadav R/O- BAIJUA, WARD
NO. 12, P.S.- SRINAGAR, DISTT.- WEST CHAMPARAN

... .. Petitioner/s

Versus

- 1 . The State of Bihar
2. DHUNI KUMARI D/O- DHURP CHAUDHARY R/O- BAIJUA, WARD
NO. 12, P.S.- SRINAGAR, DISTT.- WEST CHAMPARAN

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Singh, Senior Advocate
		Mr. Umesh Kumar Gupta, Advocate
For the Opposite Party/s	:	Mr. Md. Mushtaque Alam , APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 29-11-2024 Heard learned counsel for the petitioner and the State .

2. The petitioner seeks regular bail in a case registered
for the offence punishable under sections 376, 504, 506, 323 ,
341 and 34 of the IPC and section 4 of the POCSO Act.

3 . As per prosecution case , on the alleged date and
time of occurrence , this petitioner forcibly caught the victim
and took her into field of sugarcane and thereafter committed
rape with her.

4. Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case . The medical examination of victim i.
e,. Annexure – P 2 rules out the possibility of any sexual



intercourse . He further submits that doctor has opined that there is no evidence of any sexual offence . Petitioner is in custody since 13.03.2024.

5 . However, learned counsel for the State opposed the prayer for bail and submitted that petitioner has committed rape upon victim and victim in her statement recorded under Section 164 Cr. P C has also supported the prosecution case . The doctor has opined the age of the victim as 14 years and as such prayer for regular bail of the petitioner is fit to be rejected.

6. Considering the statement of the victim recorded under Section 164 Cr. P C and other circumstances of the case , prayer for regular bail of the petitioner is rejected.

(Prabhat Kumar Singh, J)

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