

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54591 of 2024

Arising Out of PS. Case No.-76 Year-2024 Thana- ROSERA District- Samastipur

Heera Yadav Son Of Mantoon Yadav @ Mantun Yadav R/V- Marra Mar, P.S.-
Rosera, Distt.- Samastipur, Bihar

... .. Petitioner/S

Versus

1. The State Of Bihar
2. Suresh Yadav Son Of Rameshwar Yadav R/O- Marra Amar, P.S.- Rosera,
Distt.- Samastipur

... .. Opposite Party/S

Appearance :

For the Petitioner/s : Mr. Madhav Kumar , Advocate
For the Opposite Party/s : Mr. Shantanu Kumar , APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 04-09-2024 Heard learned counsel for the petitioner and the

State .

2. Petitioner apprehends arrest in a case registered for
the offence punishable under section 376 of the Indian Penal
Code and under Sections 4 and 6 of POCSO Act.

3 . As per the prosecution case , on the alleged date
and time of occurrence , when daughter of informant was
washing clothes on the hand pump , in the meantime this



petitioner came and pressed her mouth and took her inside the house and committed rape with her and fled away .

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case due to political rivalry . Petitioner has not committed any such offence as alleged and as such , no case under Section 376 of IPC is made out against this petitioner. Petitioner claims clean antecedent.

5. Learned counsel for the State opposes the prayer for bail and submits that petitioner is named in the F.I.R., with specific allegation that he committed rape upon victim and during course of investigation victim has supported the prosecution case . The medical report shows that hymen ruptured abrasion and sign of sexual assault have been found on the body of the victim. The doctor has assessed that victim was minor at the time of alleged occurrence .

6. Considering the nature of accusation and gravity of offence , prayer for pre-arrest bail of the petitioner is rejected.

(Prabhat Kumar Singh, J)

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