

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60517 of 2023

Arising Out of PS. Case No.-249 Year-2022 Thana- PURAINI District- Madhepura

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SUMLESH YADAV @ SUMLESH KUMAR son of Biran Yadav @ Birendra
yadav Village- Aorlaha W.No-1, Ps- Puraini Dist-Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Akash Anand, Advocate
For the Opposite Party/s : Mr.Mohammad Sufyan, APP

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**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

6 08-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under Sections 448, 376, 504, 506/34 of the Indian Penal Code and Section 4 of the POCSO Act.

3. As per prosecution case, the allegation against the petitioner is that he entered into the house of informant and forcefully took her to a field where he committed rape on her.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case due to dirty village politics. The F.I.R. has been lodged after the inordinate delay of seven days from the date of occurrence. The petitioner has got no criminal antecedent and he is languishing in judicial custody since



09.05.2023.

5. Learned APP for the State has vehemently opposed the prayer for bail.

6. From perusal of the F.I.R., impugned order dated 25.07.2023, case diary along with statement of the victim recorded u/s 164 of Cr.P.C., it appears that on the basis of written report of informant-cum-victim, F.I.R. registered against the three accused persons including the present petitioner. In the F.I.R., the victim has made direct and specific allegation of committing rape upon her against this petitioner. The victim is minor girl and she has substantially supported the version of F.I.R. in her statement recorded u/s 164 of Cr.P.C. During investigation, other witnesses of this case have also supported the version of F.I.R.

7. Considering the facts and circumstances of the case and submissions of learned counsel for the parties and serious nature of offence, I am not inclined to grant bail to the petitioner.

8. Prayer for regular bail of the petitioner is hereby rejected.

(Ramesh Chand Malviya, J)

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