

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71061 of 2023

Arising Out of PS. Case No.-114 Year-2023 Thana- CHANDRAMANDI District- Jamui

Pintu Yadav, Son of Baleshwar Yadav, Resident of Vill- Lalodih, Police Station - Devipor, District- Deoghar (Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Champa Kumari, Wife of Pradip Yadav, Resident of Vill- Chandramandi Gantgi, P.S. - Chandramandi, Dist - Jamui.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Akash Raj, Advocate Mr. Arun Bharti, Advocate Mr. Vivek Raj, Advocate
For the Opposite Party/s :		Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 05-03-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Chandramandi P.S. Case no. 114 of 2023 registered under section 376AB of the Indian Penal Code and section 4/6 of the POCSO Act.

3. As per the prosecution case, the informant states that when his daughter had gone to graze the goat his co-villager, the petitioner herein, slapped his daughter. On her becoming unconscious, he committed rape on her, as a result of which she was bleeding.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case and in her



statement under section 161 of the Cr.P.C. she has categorically stated that at the time of her grazing, on being struck by the petitioner with a stick, she sustained injury on her private part and became unconscious. It is submitted that even the medical report does not support the prosecution case of rape and as such the police submitted charge-sheet only under sections 341 and 323 of the Indian Penal Code. However, the learned trial Court differing from the same has taken cognizance under sections 376, 341 and 323 of the Indian Penal Code and section 4 of the POCSO Act. The petitioner is in custody since 20.6.2023.

5. The application for bail is opposed by learned APP for the State. However, learned APP for the State referring to the statement of the victim under section 164 of the Cr.P.C. submits that in her statement she has repeated the statement that she made under section 161 of the Cr.P.C. It is further stated that the medical report does not conclude that any rape was committed.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR, the material that has transpired in course of investigation including the statement of the victim recorded under section 164 of the Cr.P.C., the petitioner having remained in custody for 8 months since 20.6.2023 and investigation in the case having concluded,



the petitioner is directed to be enlarged on bail in connection with Chandramandi P.S. Case no.114 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District Judge Ist, Jamui.

(Partha Sarthy, J)

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