

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.71439 of 2024

Arising Out of PS. Case No.-664 Year-2021 Thana- BARHARA District- Bhojpur

Vikky Yadav S/O Rajdeo Yadav R/O Village- Khawaspur (Kachahari Tola),
P.S- Barhara, Distt.- Bhojpur. Petitioner/s

Versus

1. The State of Bihar
2. Nitu Kumari D/O Bhadaï Bind R/O Village- Khawaspur (Kachahari Tola),
P.S- Barhara, District- Bhojpur Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar
For the Opposite Party/s : Mr.Anil Kumar Singh No. 1

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 29-11-2024 Heard the learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in a case registered for the offences alleged under Sections 147, 341, 323, 325, 376, 379, 504 and 506 of the Indian Penal Code and Section 4/8 of the POCSO Act including Section 27 of the Arms Act.

3. The prosecutrix is a girl of 13 years of age. Allegedly, the accused persons named in the FIR including the petitioners entered into her house. Rajdeo Yadav (petitioner no.1) pointed pistol at the temporal region of her aunt. Vishal Yadav (petitioner no.2) attempted to commit rape upon the prosecutrix and petitioner no.1 committed rape on the elder sister of the informant who is a girl of 17 years of age. The accused persons also assaulted the other inmates of the house.

4. The learned counsel for the petitioner has submitted that he is innocent and have falsely been implicated in this case. He has submitted further that it is incredible that six persons



shall enter into the house of the prosecutrix with intent to commit rape and loot. He has also submitted that in the medical report, no sign of rape was found. He has next submitted that in the FIR, the victim named five persons but in her statement recorded under Section 164 of the CrPC, she named only co-accused Vishal Yadav and Mithun Yadav and not the petitioner.

5. On the other hand, the learned APP for the State has opposed the prayer for bail.

6. Considering the above-mentioned facts and circumstances, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand rupees) with two sureties of the like amount each to the satisfaction of learned VIth, Additional Sessions Judge-cum-Special Court POCSO, Bhojpur at Ara in connection with Barhara (Khawaspur O.P.) P.S. Case No. 664 of 2021, subject to the condition that the petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(Nawneet Kumar Pandey, J)

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