

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85796 of 2023

Arising Out of PS. Case No.-340 Year-2023 Thana- BANKA District- Banka

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FULESHWAR YADAV @ TULESHWAR YADAV @ FULESHAR YADAV
Son of Mintu Yadav R/o vill - Gora, Gata Tola, P.S. and Distt. - Banka

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sunita Devi W/o Nilkanth Yadav R/o vill - Gora, P.S. and Distt. - Banka

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Braj Bhushan Mishra
For the Opposite Party/s	:	Mr.Sanjay Kumar Sharma
For O.P. No. 2	:	Mr. Sunil Kumar Singh, Adv.

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

ORAL ORDER

6 10-07-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in a case registered for the
offence punishable under Section-376 IPC & 4 of the POCSO Act.

3. The informant is mother of the victim, who is a girl of
16 years of age. As per allegation, when the informant was not
present at her home, the petitioner, uncle of the victim committed
rape upon her. When the informant returned, she saw her daughter
weeping and she also noticed blood stains on her pant. The victim
narrated the entire occurrence. She stated that the petitioner, after
wrapping her mouth with Gamchha, committed rape upon her.

4. Learned counsel for the petitioner has submitted that
the petitioner is innocent and he has falsely been implicated in this



case. There was land dispute between the petitioner and his brother who is father of the victim and it was the reason for his false implication. Learned counsel for the petitioner has also submitted that prior to lodging of this case, an informatory petition was filed by the petitioner in which, apprehension of his false implication was mentioned.

5. Learned counsel for the informant as well as learned APP for the State has opposed the prayer for bail by submitting that the semen was found on the cloth of the victim and blood stains were seen by her mother. It has further been submitted that the victim, in her statement recorded under Section 164 of the Cr.P.C. has fully corroborated the allegation.

6. Considering the aforementioned facts and circumstances, I am not inclined to grant bail to the petitioner. Accordingly, the prayer for bail in connection with Banka P.S. Case No. 340 of 2023 is rejected.

7. However, the learned Court below shall take every endeavour to conclude the trial as early as possible.

(Nawneet Kumar Pandey, J)

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