

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1039 of 2024

Arising Out of PS. Case No.-445 Year-2023 Thana- PHULPARAS District- Madhubani

Bishundeo Yadav @ Bishnudev Yadav Late Maujelal Yadav Kala Patti PO-
Kala Patti, P.S.- Phulparas District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Shah Nawaz Ali

For the Opposite Party/s : Mr.Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 08-02-2024 Heard learned counsel for the petitioner, learned counsel
for the informant and learned APP for the State.

2. The petitioner has prayed for bail in connection with Phulparas P.S. Case No. 445 of 2023 instituted for the offence under Sections 341, 323, 376, 379, 506/34 of the Indian Penal Code and Sections 8/12 of the POCSO Act.

3. According to the FIR, the petitioner is alleged to have committed wrong with the minor daughter of the informant, aged about 13 years by wrapping her mouth. When the informant came to know and asked to the petitioner, she was threatened and assaulted by him.

4. Learned counsel for the petitioner submits that the petitioner is innocent and committed no offence. He has falsely been implicated in this case due to dirty village politics. For the



alleged occurrence of 24.8.2023, FIR was lodged on 29.8.2023 after delay of five days. It is further submitted that the witnesses examined during course of investigation are interested witnesses. A statement has been made in para-3 of the petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 9.10.2023.

5. Learned APP appearing for the state and learned counsel for the informant have vehemently opposed the prayer of regular bail and submitted that the petitioner is named in the FIR upon whom the specific allegation of rape has been made. The victim girl supports the prosecution allegation in her statement recorded u/s 164 of the Cr.P.C. in which she stated the the petitioner committed rape after wrapping her mouth. The victim girl also stated her age about 13 years. It is further submitted that witnesses of this have also supported the prosecution case.

6. Having heard the learned counsel for the parties and considering the fact that there is specific allegation of rape against the petitioner, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

7. The trial Court is directed to expedite the trial and



conclude the same as early as possible.

(Sunil Kumar Panwar, J)

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