

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67530 of 2024

Arising Out of PS. Case No.-126 Year-2024 Thana- BARHARA KOTHI District- Purnia

Bulbul Kumar Son of Suresh Yadav R/O Vill.- Latraha, P.s.- Barhara Kothi,
Dist.- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Vinod Yadav Son of Nand Kishor Yadav R/O Vill.- Latraha, Ward no.06,
P.s.- Barhara Kothi, Dist.- Purnea.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Bijendra Kumar Singh, Advocate
For the Opposite Party/s :	Mr. Rajendra Singh, APP
For the Informant :	Mr. Rajeev Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 27-01-2025 Heard learned counsel for the petitioner, learned
APP for the State, learned counsel for the informant and perused
the case diary.

2. The petitioner seeks bail in connection with
Barhara P.S. Case No. 126 of 2024, instituted for the offences
punishable under Sections 341, 342, 376 of the Indian Penal
Code and Section 6 of POCSO Act.

3. The prosecution case, in short, is that, the petitioner
committed rape upon minor daughter of the informant.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner also submits that statement of the victim recorded under Section 161 Cr.P.C. contradicts with her statement recorded under Section 164 Cr.P.C. It is next submitted that there is no sign of sexual assault found at the time of medical examination. The petitioner has voluntarily surrendered before the Court below on 05.07.2024 and has got no criminal antecedent.

5. Learned APP for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner and submitted that the victim in her statement recorded under Section 161 Cr.P.C. and Section 164 Cr.P.C. has levelled specific allegation against the petitioner of committing rape upon her. It is next submitted that witnesses in paragraph nos. 5, 6 and 7 of the case diary have also supported the prosecution case. Hence, the petitioner does not deserve the privilege of bail.

6. Considering the aforesaid facts and circumstances of the case, nature of accusation and the gravity of the offence, this Court is not inclined to grant bail to the petitioner.



7. The prayer is rejected. The trial Court is directed to expedite the Trial expeditiously.

(Rudra Prakash Mishra, J)

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