

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.301 of 2025

Arising Out of PS. Case No.-246 Year-2024 Thana- PAKARIBARAW District- Nawada

Shiv Nandan Yadav @ Chutra Son of Shital Yadav Resident of Village- Jieuri,
P.S.- Pakaribarawan, Distt.- Nawada

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pun Yadav Son of Late Baldeo Yadav Resident of Vill- Geori, P.S.- Pakari Barawan, District- Nawada

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharendra Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-02-2025 Heard Mr. Dharendra Kumar Sinha, learned counsel
for the petitioner and Mr. Umesh Lal Verma, learned APP for the
State.

2. Petitioner seeks bail, who is in custody since
09.06.2024, in connection with Pakaribarawan P.S. Case No. 246
of 2024, F.I.R. dated 08.06.2024 registered for the offences
punishable under Sections 341, 323, 504, 506, 376/34 of the
Indian Penal Code and Sections 8/12 of the POCSO Act.

3. Allegation against the petitioner is that he has
committed rape with the victim.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely
implicated in the present case. He further submits that the



allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that the medical team has assessed the age of the victim between 17 to 19 years and in view of the report, no case is made out under the POCSO Act.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the victim was recovered and her statement was recorded under Section 164 of the Cr. P.C./Section 183 of the B.N.S.S., 2023 in which she has categorically stated that the petitioner has committed rape upon her and apart from that the victim has become pregnant.

6. Considering the aforesaid facts and circumstances of the case as well as submission of learned APP for the State, I am not inclined to enlarge the petitioner on bail in connection with Pakaribarawan P.S. Case No. 246 of 2024 pending in the Court of learned Addl. District & Sessions Judge-Vith-cum-Special Judge (POCSO Act), Nawada.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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