

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35925 of 2015

Arising out of PS.Case No. -296 Year- 2014 Thana -FATEHPUR District- GAYA

Kamlesh Yadav @ Amlesh Yadav, son of Dashrath Yadav, resident of
Village- Goiniya, P.S.- Fatehpur, District- Gaya.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Prakash Chandra Jha, Advocate.

For the Opposite Party : Mr. Ram Shankar Das(Spl.App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

4 23-11-2015 Heard learned counsels for the petitioner, informant and
learned counsel for the State

The petitioner is languishing in custody since 09.04.2015
in connection with Fatehpur P.S. Case No. 296 of 2014 for the
offences instituted under Sections 376 IPC, 3(2)(V) of SC/ST
(Prevention of Atrocities Act) and 4 of POCSO Act.

The prosecution story, in brief, is that on 26.08.2014 at
about 5.30 A.M., the victim girl was going for tuition and soon,
she reached near bushes of Kuskaki Bandh, the petitioner
suddenly came from back side and caught the victim and started
obscene acts and threatened the victim and committed rape with
her.

It has been submitted on behalf of the petitioner that the
petitioner has got no criminal antecedent. The petitioner is in

custody since 09.04.2015 and the charge sheet has been submitted in the case. There is no allegation of tampering of the evidence against the petitioner. The petitioner is said to have falsely been implicated in the present case. Annexure-2 is the medical report of the victim, same do not support the allegations made in the F.I.R. F.S.L. report is said to have been received in a sealed cover, same is opened in the Court room. From perusal of the same, it appears that the semen could not be detected in the Exhibits marked as A and B.

On behalf of the learned counsels for the informant and the State it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge (POCSO), Gaya in connection with Fatehpur P.S. Case No. 296/2014.

Let the F.S.L. report be sent back to the office of the Director, Forensic Science Laboratory, Bihar, Patna.

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(Sudhir Singh, J)