

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.5801 of 2016

Arising Out of PS.Case No. -53 Year- 2015 Thana -MAHILA P.S. District- BANKA

=====

1. Santosh Yadav @ Santu Yadav S/o Late Sahdeo Yadav Resident of
village - Mainbaran, Police Station - Banka, District - Banka.. Petitioner

Versus

1. The State of Bihar Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee

For the Opposite Party/s : Mr. Ram Naresh Roy(App)

=====

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 04-04-2016 Heard learned counsel for the petitioner and learned APP
for the Sate.

The petitioner seeks bail in connection with Mahila P.S.
Case No. 53 of 2015 registered for the offences punishable under
Sections 376, 120B/34 of the Indian Penal Code, Sections 4, 8,
and 12 of POCSO Act.

In the first information report the wife of the petitioner
has made allegation against the petitioner also that under his
conspiracy she and her daughter were rapped but in the statement
recorded under Section 164 Cr.P.C. the informant and her
daughter have stated that Santosh Yadav the husband of the
informant and father of Sanjana is innocent and the miscreants
after assaulting Santosh Yadav committed rape with them. Further
the informant has filed compromise petition also.

Submission is of false implication and that the



petitioner has been made victim of circumstances, only on suspicion the Police wrongly after taking thumb impression of the wife of the petitioner got implicated the petitioner but the informant and his daughter in statement recorded under Section 164 Cr.P.C. have not supported the allegation against the petitioner and they have clearly stated that the petitioner is innocent and as such the petitioner deserves sympathetic consideration to which learned APP fairly submits that the informant and her daughter have not supported the allegation against the petitioner in their statement recorded under Section 164 Cr.P.C. which is mentioned in paragraphs 73 and 74 of the case diary.

In the facts and circumstances stated above, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Ist Additional Sessions Judge, Banka in connection with Mahila P.S. Case No. 53 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on

his part without any reason shall disentitle the petitioner from
privilege of bail.

avin/-

U		T	
---	--	---	--

(Jitendra Mohan Sharma, J)