

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20396 of 2016

Arising Out of PS.Case No. -11 Year- 2016 Thana -MAHILA P.S. District- BHAGALPUR

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Umesh Yadav @ Umesh Kumar Yadav Son of Bishnu Gop Resident of Mohalla- Karam Toli, Police Station- Lalpur, District Ranchi (Jharkhand) at Present Branch Manager, Sahara India, Barahat, Police Station Ishipur district Bhagalpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Nagendra Pd. Yadav, Advocate.

For the Opposite Party : Mr. Ambika Bhagat (APP)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 18-07-2016 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is languishing in custody in connection with Bhagalpur Mahila P.S. Case No. 11 of 2016 corresponding to G.R. No. 625 of 2016 for the offences instituted under Sections 376 of the Indian Penal Code, Section 4 of POCSO Act and Sections 3(i) (x) (v) of SC/ST Act.

The prosecution story in brief, is that on 20.02.2016 at about 9.00 A.M. in the morning, when the informant was searching his daughter for giving her Horlicks, he found his daughter in a room of the petitioner and he saw that the petitioner was in naked condition and he was raping with his daughter.

Thereafter the informant took his daughter and came to his home. It is further alleged that the clothes of the victim was washed out by the wife of the informant.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 22.02.2016. The charge sheet has been submitted in the present case. The petitioner has got no criminal antecedent. There is no allegation of tampering with the evidence against the petitioner. The medical examination report of the victim does not support the prosecution case. The petitioner and the informant are tenant in the same house. The informant has filed a petition in the court below vide Annexure-2 stating that they do not want to pursue the case as the matter has been compromised between the parties. From perusal of the impugned order, it is evident that a submission was advanced on behalf of the informant that the present case has been instituted due to mistake of fact.

On behalf of 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 1st Additional

Sessions Judge, Bhagalpur in connection with Bhagalpur Mahila
P.S. Case No. 11 of 2016, G.R. No. 625 of 2016.

(Sudhir Singh, J.)

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