

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21623 of 2016

Arising Out of PS.Case No. -331 Year- 2015 Thana -FATEHPUR District- GAYA

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Arvind Yadav S/o Late Sahdev Yadav, Resident of Village -Sandeshwar,
P.S Fatehpur, District Gaya.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Sanjay Kumar, Advocate.

For the Opposite Party : Mr. Arun Kumar Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 01-07-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Fatehpur
P.S. Case No. 331 of 2015 (POCSO Case No.83 of 2015)
registered for the offences punishable under Sections 376, 511 of
the Indian Penal Code and Sections 8 and 9 of POCSO Act, 2012.

Allegedly, the petitioner tried to commit rape with
the minor daughter of the informant.

Submission is of false implication due to land
dispute, no such occurrence has taken place, the petitioner was not
apprehended at the place of occurrence, he has voluntarily
surrendered before the Court below, the petitioner is aged about 52
years and the allegation appears not probable, without any fault

the petitioner is in custody since 15.12.2015.

Learned A.P.P. opposes the prayer of bail.

In the facts and circumstances stated above, considering the detention of the petitioner and further there is no chance of tampering with the prosecution evidence as charge sheet has already been submitted and as such 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 like amount each to the satisfaction of learned Additional Sessions Judge, 1st – cum-Special Judge (POCSO Act), Gaya in connection with Fatehpur P.S. Case No. 331 of 2015 (POCSO Case No. 83 of 2015), subject to conditions that one of the bailors must be 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.

(Jitendra Mohan Sharma, J.)

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