

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2541 of 2017

Arising Out of PS.Case No. -15 Year- 2015 Thana -NIRMALI District- SUPAUL

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Subhash Yadav sonfo Nathuni Yadav, resident of village Bela Singar Moti,
Bela Bazar, P.S. Nirmali, District Supaul.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Pramod Mishra

For the Respondent/s : Mr. Sir Pramod Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 18-10-2017 Heard the parties.

The appellant seeks regular bail in connection with
POCSO P.S.Case No.5 of 2015 under Section 8 of POCSO Act
arising out of Nirmali P.S.Case No.15 of 2015 , registered for
offences punishable under Sections 376, 511, 504 & 506 and of
the Indian Penal Code and Section 3(i)(ix) of SC/ST (Prevention
of Atrocities Act) Act.

Allegation against the appellant as per FIR is of
committing rape, however, it appears from the record that her
statement has been recorded under Section 164 Cr.P.C., in which
she has not stated about attempt to commit rape upon her rather
she has asserted about assault by fists and slaps.

Submission of the learned counsel for the appellant is
that he has falsely implicated in this case and he is in custody
since 3.6.2017.



Heard learned Special P.P. also.

Having heard both sides in view of the above facts and circumstances, this appeal is allowed.

Let the appellant above named, be released on bail on furnishing bail bonds of Rs.25,000 (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of Addl. Sessions Judge-I, Supaul in connection with POCSO Case No.5 of 2015, arising out of Nirmali P.S.Case No.15 of 2015 after setting aside order dated 4.7.2017 passed by the learned Addl. Sessions Judge-I, Supaul in POCSO Case No.5 of 2015, subject to the following conditions:-

- (i) One of the bailors of the appellant shall be local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The appellant will not induce any witness or tamper with the evidence.
- (iii) The appellant shall co-operate in the disposal of trial and make himself available as and when required by the court concerned and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution will be free to move for cancellation of his bail bond.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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