

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.14630 of 2018

Arising Out of PS. Case No.-279 Year-2017 Thana- CHAUSA District- Madhepura

=====

Babloo Yadav, Son of Dilkhush Yadav, resident of village- Fulaut East,
Police Station- Chausa, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad

For the Opposite Party/s : Mr. Smt. Suman Kumari Singh

=====

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 09-04-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner, who is in custody, seeks bail in
connection with POCSO Case No. 2 of 2018 arising out of
Chausa (Fulaut O.P.) P.S. Case No. 279 of 2017 registered for the
offence punishable under Section 376 of the Indian Penal Code
and Section 4 of the POCSO Act.

Informant is the victim girl herself who in her
fardbeyan has stated that she is 14 years old and on 03.10.2017
at about 10.30 PM his mother had gone outside to attend call
of the nature then Babloo Yadav (petitioner) entered her house



and started teasing her and when she did not find her mother there, then he established physical relation with her. Meanwhile her mother came and on alarm being raised nearby villagers also assembled but petitioner fled away. The girl was examined by the Medical Board in which her age has been assessed between 16 to 18 years and no external and internal injury has been found on the body of victim. Spermatozoa was not found, no bruise or abrasion found on any part of the body including private part. Statement of victim girl was recorded under Section 164 of Cr.P.C. in which the court has assessed her age as 17 years. On 02.11.2017 in which she has stated that petitioner has not committed any rape and is innocent. The case has been compromised between the parties, although offence is non-compoundable. Petitioner has no criminal antecedent and he is in custody since 04.10.2017.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-Cum-Special Judge, POCSO Act, Madhepura, in connection with POCSO Case No. 2



of 2018 arising out of Chausa (Fulaut O.P.) P.S. Case No. 279 of
2017.

(S. Kumar, J)

veena/-

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

