

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61750 of 2017

Arising Out of PS.Case No. -18 Year- 2017 Thana -HARPUR District- MUNGER

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Bhashan Yadav @ Bhasan Yadav S/o Late Rohin Yadav, R/o Village-
Bangama, P.S.- Harpur, District- Munger.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar, Adv.

For the Opposite Party/s : Mr. Smt. Sharda Kumari, Adv.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 10-01-2018 Heard learned counsel for the petitioner and learned
APP for the State.

This is the 2nd round of litigation. Earlier bail application of the petitioner was rejected vide order dated 14.11.2017 passed in Cr. Misc. No. 43525 of 2017.

Petitioner is languishing in judicial custody since 20.04.2017 in connection with Harpur P.S. Case No. 18 of 2017 for offences punishable under Sections 376 of the Indian Penal Code and Sections 4/6 of POCSO Act.

The prosecution case, as lodged by the informant, is that while she had gone out of the house and her four year old daughter was playing outside the house, the petitioner had taken away her daughter to his house and committed rape on her.

It has been submitted by the learned counsel for the petitioner that he is innocent, 70 years old man and has been



falsely implicated because of being on inimical terms. He submits that charges have been framed and the petitioner undertakes to co-operate in the trial on day to day basis.

However, learned APP for the State opposes the prayer for bail stating therein that the allegation is of a minor being raped by the petitioner.

Considering the facts and circumstances and the materials on record as well as undertaking of the petitioner, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (POCSO) cum-A.D.J. 1st, Munger in connection with Harpur P.S. Case No. 18 of 2017, subject to the conditions that:

- (1) Both bailors would be close relative of the petitioner having sufficient immovable property, who will file an affidavit stating their relationship with the petitioner.
- (2) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Devendra/-

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