

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17803 of 2019

Arising Out of PS. Case No.-272 Year-2018 Thana- KORHA District- Katihar

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RAJA KUMAR YADAV, Male, aged about 16 years, Son of Rajan Yadav @ Rajendra Prasad Yadav, under the guardianship of his father namely Rajan Yadav @ Rajendra Prasad Yadav @ Rajendra Yadav, Resident of Village - Rahika Tola Bisharia, P.S.- Korha, Distt.- Katihar.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Bipin Kumar, Advocate.

For the Opposite Party : Mr.Narendra Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 23-04-2019 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is languishing in custody since 31.07.2018 in a case for the offence registered under Sections 376, 120(B) of the IPC and 4 of POCSO Act.

The prosecution story, in brief, is that on 19.07.2018 at about 8.00 P.M. in the night, the informant was cooking, in the meantime, one Kajal Devi came at her house and told her for call of nature. Upon which, she replied that she was cooking but after request she alongwith Kajal Devi went for call of nature. When she reached at about 150 Ft. from her house she saw that two boys were standing, after seeing them, she feared and try to



crying but co-accused Rajesh Kumar Sharma pressed her mouth and Raja Kumar Yadav (petitioner) took in his lap and taken away about one Kilometer in the field and on threatening he committed wrong with her. Thereafter, she alongwith Kajal Devi returned to her house and both boys went to their house.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. There is no substantive evidence to suggest the implication of the petitioner in the present case. The medical examination report does not support in respect of commission of rape.

On behalf of the learned counsel for 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 bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned First Additional Sessions Judge-cum-Special Judge, Katihar or appropriate court below, in connection with G.R. Case No.



3171/ 2018/Korha P.S. Case No. 272/2018.

(Sudhir Singh, J)

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