

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15834 of 2019**

Arising Out of PS. Case No.-2 Year-2015 Thana- MAHILA P.S. District- Araria

PANKAJ YADAV @PANKAJ KR. YADAV Son of Budh Lal Yadav Resident
of Village- Barmasiya, P.S.- Sikty, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh
For the Opposite Party/s : Mr.Md. Ataur Rahman

**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER**

2 25-03-2019 Heard learned counsel for the petitioner and the
learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since 28.01.2019 in connection with Special (POCSO) Case No. 11 of 2016 arising out of Araria (Mahila) P.S. Case No. 02 of 2015 for offences punishable under Section 376 of the Indian Penal Code and later on Section 4/6 of the POCSO Act has been added.

The prosecution case as lodged by the informant is that while he and his wife were away from the home in the night and his 14 year old daughter Rinki Kumari was sleeping in the house, the petitioner entered the house and committed rape on her. He is running a coaching institute in which the informant's daughter was taking coaching.

It has been submitted by the learned counsel for the



petitioner that he is innocent, bears no criminal antecedent and the victim girl in her statement which is part of the First Information Report at page-14 of the present application has herself stated that she was scolded by the petitioner in the coaching institute in front of other students for which the case has been lodged by the informant who is the father of the victim girl. Her age has been assessed by the Magistrate as 17 years and she has disclosed her age to be 18 years, as such no case under the POCSO Act is maintainable. It is further submitted that the petitioner will cooperate in the investigation and not induce witnesses or tamper with the prosecution evidence.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances of the case and materials on record, let the 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 the learned Sub Divisional Judicial Magistrate/ Chief Judicial Magistrate, Araria in connection with Special (POCSO) Case No. 11 of 2016 arising out of Araria (Mahila) P.S. Case No. 02 of 2015, subject to the conditions:-

(1) One of the bailors would be close relative of the



petitioner having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioner.

(2) The 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.

(3) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

devendra/priyanka

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