

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1330 of 2019

Arising Out of PS. Case No.-147 Year-2018 Thana- BAHERI District- Darbhanga

RAHUL YADAV @ RAHUL KUMAR, son of Chandraveer Narayan Yadav
@ Birendra Yadav, resident of village, Hanman Nagar, P.S. Baheri, District,
Darbhanga

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Anish Chandra

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 16-01-2019 Heard learned counsel for the parties.

Petitioner seeks bail in POCSO G.R. Case No.33 of 2018 arising out of Baheri P.S. Case No. 147 of 2018 registered for the offence punishable under Sections 341, 342, 376, 504/34 of the Indian Penal Code and Section 4/6 of the POSCO Act.

Allegation against the petitioner is to have committed rape upon the informant on the false promise made to the informant by the petitioner.

It has been submitted on behalf of the petitioner that he is innocent and has falsely been implicated in this case. It has been further submitted that informant is pregnant and parents of the informant could not join the compromise petition, as such, the bail application of the petitioner was rejected on



29.11.2018. However, now the informant's mother and father have also filed compromise petition and it is desirable that in the interest of justice, the informant be married with the petitioner. Petitioner has no criminal antecedent and he is in custody since 06.08.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail, **subject to the correctness of affidavit**, upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge (POCSO Act), Darbhanga in connection with POCSO G.R. Case No.33 of 2018 arising out of Baheri P.S. Case No. 147 of 2018, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case,



prosecution will be at liberty to move for cancellation of
bail of the petitioner.

(S. Kumar, J)

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