

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26387 of 2019**

Arising Out of PS. Case No.-279 Year-2018 Thana- BAIKUNTHPUR District- Gopalganj

NAND KISHORE YADAV @ NANDU @ NANDU KUMAR YADAV Son
of Pradeep Rai Resident of Village - Sabali Khajuhatti, P.S.- Baikunthpur,
District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Naresh Prasad
For the Opposite Party/s : Mr. Dinesh Singh

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

2 23-04-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for anticipatory bail, arises out of
Baikunthpur Police Station Case No. 279 of 2018, disclosing
offences punishable under Sections 376-DA of the Indian Penal
Code and Section 4, 6, 8 and 10 of the POCSO Act.

The victim is said to be 15 years of age. There is
allegation against the petitioner of having ravished her.

Learned counsel, appearing on behalf of the
petitioner, has submitted that the First Information Report has
been registered five days after the alleged date of occurrence
without any reasonable explanation, which casts serious doubt
over the case of the prosecution. It has also been argued that till
date the victim has not been examined under Section 164 of the
Criminal Procedure Code nor she has been medically examined.



Learned counsel for the petitioner has further argued that there is no chance of the petitioner fleeing from the course of investigation or trial and his implication is because of animosity arising out of political rivalry.

Considering the facts and circumstances, as noted above, this application is allowed.

Let the petitioner, above-named, in the event of his arrest or surrender before the Court below within six weeks, be released 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 Additional Sessions Judge-I, Gopalganj in connection with Baikunthpur Police Station Case No. 279 of 2018, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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