

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51604 of 2019

Arising Out of PS. Case No.-62 Year-2019 Thana- TIKAPATTI District- Purnia

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UMESH YADAV, aged about 50 years, gender, Male, Son of Late Roshan
Yadav, Resident of Village - Tikapatti, P.S.- Tikapatti, Dist.- Purnea.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh

For the Opposite Party/s : Mr. Surendra Kumar

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 01-10-2019 Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the
offence punishable under Sections 376 (D), 506/34 of the Indian
Penal Code and Section 4 of the POCSO Act.

Informant who is uncle of victim has alleged that on
04.06.2016 while her niece Gunja Kumari aged about 15 years
had gone to cut the grass, Umesh Yadav and Jangli Yadav
committed rape upon her.

It has been submitted that the incident is alleged to be
of 04.06.2019 whereas FIR has been lodged on 06.06.2019.
Petitioner had also lodged an FIR against the family of victim



on 06.06.2019 where he had gone for repayment of his loan amount but, he was brutally assaulted. The girl was examined by the medical board. No internal or external injury was found. No spermatozoa has been found. The Medical Board has assessed the age of victim girl to be 14 to 15 years and has opined that there is no sign of any rape. Petitioner has got no criminal antecedent and is in custody since 07.06.2019.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Tikapatti P.S. Case No. 62 of 2019 Spl. Case No. 39/2019 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)

Sanjay/-

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