

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.660 of 2020

Arising Out of PS. Case No.-14 Year-2019 Thana- DIGHALBANK District- Kishanganj

SUSHIL KUMAR YADAV Son of Shyam Narayan Yadav @ Lobin Yadav
Resident of Village - Talgachh, P.S.- Dighalbank, Distt - Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kr. Sinah,
Mr. Diwakar Sinha, Advocates
For the Opposite Party/s : Mr. Satyavrat Verma, APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 20-01-2020 Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the offence punishable under Sections 354, 323, 504, 506/34 of the Indian Penal Code and Section 8 of POCSO Act.

Informant who is brother of the victim has alleged in his written complaint that on 19.03.2019 at about 5.30 p.m. when his minor sister Niti Kumari had gone in the field to attend the call of nature, petitioner caught hold of her and tried to commit rape upon her, however, upon raising alarm by her, villagers who were watering their crop and Vijay Kumar Yadav rescued her but meanwhile, the family members of petitioner came and took away petitioner with them. Subsequent thereto, the victim has filed a complaint case in the court of Special Judge of



POSCO alleging commission of rape upon her.

It has been submitted on behalf of the petitioner that he is innocent and has falsely been implicated in this case due to political rivalry. Petitioner is not accused in any other case except one lodged by victim and another by his brother. Petitioner is in custody since 21.09.2019.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Dighalbank P.S. Case No. 14 / 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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