

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.10236 of 2020**

Arising Out of PS. Case No.-283 Year-2019 Thana- PUNPUN District- Patna

ANTHU YADAV, aged about 32 years, Son of Brij Nandan Yadav @ Brij Nandan Prasad Singh, Resident of Village - Alawalpur, P.S.- Punpun, Dist.- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner : Mrs. Soni Shrivastava and Mr.Ravi Bhardwaj,  
Advocates.

For the Opposite Party : Mr.Awadhesh Kumar Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

3      01-06-2020                      Due to COVID-19 Pandemic, the matter is being  
taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For  
Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

The petitioner seeks bail in a case registered for the  
offences under Sections 376/511 of the I.P.C., 8 of POCSO Act  
and 3(i)(w.i.) of SC/ST Act.

The prosecution case, in short, is that on 01.11.2019,  
the informant Dewanti Devi with her family had gone to  
perform *Chhath Puja* at the house of her *Nanad* but she had left  
her daughter aged 15 years to look after the house and Buffalo.



When she returned her home on 03.11.2019, her daughter told that in the night of 02.11.2019, Anthu Yadav (petitioner) attempted to commit rape upon her but her daughter had protested then accused had threatened to kill her if she disclosed the matter.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 09.11.2019 and has got no criminal antecedent. Charge sheet has been submitted in this case. There is no allegation of tampering with the witnesses alleged against the petitioner. After investigation, charge sheet was submitted for an offence under Section 376 of the I.P.C. on the basis of the statement of the victim which was recorded under Section 164 Cr. P.C. There is vast contradictions between the statement made in the F.I.R. and the statement recorded under Section 164 Cr. P.C. by the victim. The medical examination report does not support the allegation made by the victim. It has further been submitted that an application has been filed by the informant in the learned court below where she has retracted from her earlier statement made in the F.I.R. as well as under Section 164 Cr. P.C.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.



Considering the facts and circumstances of the case and also the lockdown, the petitioner, above named, is directed to be released on bail on his personal bond to the satisfaction of learned Additional Sessions Judge-I-cum-Special Judge, POCSO, Patna in connection with Punpun P.S. Case No. 283 of 2019.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of four weeks to the satisfaction of the court concerned in connection with the aforesaid case.

**(Sudhir Singh, J)**

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