

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7451 of 2020

Arising Out of PS. Case No.-306 Year-2019 Thana- SAHPUR District- Patna

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JILENDRA YADAV @ JANENDRA YADAV, aged about 20 years, Male, S/o
Shri Bachcha Yadav @ Bachu Prasad Yadav, Resident of Village- Usri
Sikarpur, P.S.- Shahpur, Distt- Patna

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ramanath Kumar

For the Opposite Party/s : Mr.Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 29-05-2020 Heard the learned counsel for the petitioner, the

learned Special P.P. for the State as well as the learned counsel

for the informant through video conferencing.

The petitioner seeks bail in Special Case No.146 of
2019, arising out of Shahpur P.S. Case No.306 of 2019,
registered under Sections 376(D)/34 of the Indian Penal Code,
under Sections 5/7 of the POCSO Act as well as under Sections
3(1)(r) of the SC/ST Act.

The informant-victim alleged that in the month of
January, 2019, Punam Devi took her to Danapur Sub-divisional
Hospital. Thereafter Punam Devi brought a four wheeler vehicle
in which Jilendra Yadav, the petitioner, Chintu Yadav and Satish
were sitting from before. She alleged that they all confined her



in a room and committed rape with her one by one.

Learned counsel for the petitioner submits that of course the victim disclosed her age to be 16 years but from perusal of the FIR itself, it would appear that the victim disclosed that the occurrence took place in the month of January, 2019 but the victim lodged the case only after some quarrel between the members of the two families in the month of August, 2019. There is seven months delay in lodging the FIR and, therefore, the statement of the victim is not at all worth reliable. Naturally the victim was examined after eight months of the occurrence and no sign of rape was found. The victim also made her statement under Section 164 Cr.P.C. and in her statement she reiterated the same facts.

The learned Special P.P. as well as the learned counsel for the informant vehemently opposed the prayer for bail and submitted that the victim is a minor girl and on being threatened, she did not lodge the case immediately. Mere delay in lodging the FIR does not cast any doubt on the reliability of the truthfulness of the occurrence.

Perused the FIR and the case diary. The victim of course alleged that the accused persons had threatened her but from the contents of the FIR it transpires that the victim was



living all along in her house with her parents and other family members but she did not whisper about the occurrence for about seven months to her parents or any of the family members. The theory of threatening is made only after lodging the FIR. It appears from the FIR itself that some quarrel took place and only thereafter this case has been lodged.

Taking into consideration the facts aforesaid, petitioner, namely, Jilendra Yadav @ Janendra Yadav is directed to be enlarged 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 District & Sessions Judge-I-cum-Special Judge, POCSO, Patna in connection with Special Case No.146 of 2019, arising out of Shahpur P.S. Case No.306 of 2019.

(Prabhat Kumar Jha, J)

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