

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 27915 of 2020**

Arising Out of PS. Case No.-63 Year-2020 Thana- KHIJARSARAI District- Gaya

=====

LALU YADAV @ LALU KUMAR YADAV S/o Late Shyam Kishore Yadav
Resident of Village-Kohbara, P.S.-Khizarsarai, District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr Sanjay Kr Sharma, APP

=====

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 **02-11-2020** As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard learned counsel for the petitioner.

Mr Sanjay Kr Sharma, APP is appearing as it is submitted that the brief has been allotted to him by the Office of Advocate General.

The petitioner seeks bail in Khizarsarai Police Station (for brevity, PS) Case No 63 of 2020 instituted for the offence



punishable under Sections 354, 354B of Indian Penal Code and Section 8 of Prevention of Children from Sexual Offences Act (for brevity, *POCSO Act*).

The prosecution case is that while the 10 years old daughter of the informant was cutting grass in the field, the petitioner has allegedly tried to misbehave with her.

Petitioner's counsel submits that petitioner and the informant were *Raiyats* of the adjoining lands and based on dispute between them, he has been implicated in this case. He has no criminal antecedent and is in custody since 13.03.2020. Further submission is that from bare perusal of victim's statement recorded under Section 164 of Criminal Procedure Code (Annexure 2), the prosecution case, in so far as allegation levelled under the POCSO Act is concerned, stands belied.

The learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Special Judge (POCSO Act), Gaya, in POCSO Case No 28 of 2020 arising out of Khizarsarai PS Case No 63 of 2020 subject



to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

U		T	
---	--	---	--

