

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28490 of 2020

Arising Out of PS. Case No.-43 Year-2018 Thana- DARBHANGA SADAR District-
Darbhanga

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PARAS KUMAR YADAV S/o Late Upendra Yadav Resident of Village-
Sahila, P.S.- Sadar (Sonki O.P.), Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan No.II
For the Opposite Party/s : Mr. Ramchandra Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-12-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel appearing for the petitioner and Shri Ramchandra Singh, learned A.P.P. for the State.

The present petition is by way of second attempt at the behest of the petitioner for grant of bail in connection with POCSO G.R. Case No. 02 of 2018 arising out of Darbhanga Sadar P.S. Case No. 43 of 2018 for the offence punishable under Section 376 of the Indian Penal Code and Sections 4/6 of the POCSO Act inasmuch as the earlier prayer of the petitioner for grant of bail was rejected by this Court by an order dated



23.07.2018 passed in Criminal Misc. No. 29598 of 2018.

The informant has alleged that the petitioner had taken her to a lonely place in a vehicle and forcibly committed rape with her.

The learned counsel for the petitioner has submitted that the informant of this case has deposed in the ongoing trial as P.W.-2, deposition whereof is annexed to the present petition wherein she has denied the factum of rape by the petitioner herein. It is thus submitted that since the informant herself has turned hostile, there is no chance of conviction of the petitioner in the ongoing trial. Lastly, it is submitted that the petitioner is languishing in custody since 15.02.2018.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the fact that the informant herself has denied being raped by the petitioner herein, in her deposition as P.W. 2 in the ongoing trial, as also taking into account the period of incarceration of the petitioner herein, I deem it fit and proper to direct for release of the petitioner on regular bail.



Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge (POCSO Act), Darbhanga in connection with POCSO G.R. Case No. 02 of 2018 arising out of Darbhanga Sadar P.S. Case No. 43 of 2018.

(Mohit Kumar Shah, J)

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