

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25769 of 2020

Arising Out of PS. Case No.-141 Year-2019 Thana- SHANKARPUR District- Madhepura

CHANDAN YADAV Son of Satyanarayan Yadav Resident of Village -
Kolhua Ward No- 18, P.S.- Shankarpur, Distt.- Madhepura.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner : Mr. Pawan Kumar, Advocate.

For the State : Mr. Chandra Bhushan Prasad, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 02-12-2020 Heard learned counsel for the petitioner and the
learned A.P.P. for the State, through Video Conferencing.

The petitioner seeks bail in connection with POCSO
Case No.43 of 2019, arising out of Shankarpur P.S. Case No.141
of 2019, registered under Section 376 of the Indian Penal Code
besides Sections 4/6 of the POCSO Act.

The accusation is that in the morning of 24.08.2019,
the victim, aged about 14 years, was at her house. At that time,
Chandan Yadav (petitioner) came at the house of the victim and
asked about her mother, then the victim replied that her mother
had gone at the field. Thereafter, the petitioner made query to
the victim whether her mother does not want to take the loan,
then the victim replied that her mother does not want to take the



loan but in spite of that the petitioner demanded the paper from the victim, which was handed over by her to the petitioner. At that time, the petitioner with a bad intention caught hold the victim and laid her on the 'Machan' and started to touch her. Thereafter, the petitioner, closing the mouth of the victim with cloth, forcibly committed rape on her. On raising the alarm by the victim, her neighbours rushed and when they tried to make intervention and catch hold of the petitioner, the petitioner, after abusing and giving threatening, fled away from there.

Learned counsel appearing on behalf of the petitioner submits that, admittedly, the petitioner and the victim are the co-villagers. In fact, the petitioner is the member of the Committee, which provides the loan to the villagers to fulfill their need. The Committee had also provided the loan to the mother of the victim but, on demand, there was no intention of the mother of the victim to return the loan amount and on giving pressure to the mother of the victim by the petitioner to return the loan amount, the mother of the victim got manged to lodge the present case with false allegation. Further submission is that while on medical examination, the age of the victim has been assessed to be 14-16 years but no sign of rape was found on her person. The petitioner has no criminal antecedent and is in



custody since 04.11.2019.

Having regard to the facts and the circumstances of the case, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge-I, Madhepura, in connection with POCSO Case No.43 of 2019, arising out of Shankarpur P.S. Case No.141 of 2019.

(Rajendra Kumar Mishra, J)

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