

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.759 of 2020

Arising Out of PS. Case No.-45 Year-2019 Thana- MAHILA P.S. District- Siwan

BHUSHAN KUMAR YADAV Son of Dilip Yadav @ Barahan Yadav
Resident of Village - Misraulia, P.S.- G.B. Nagar (Tarwara), District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh

For the Opposite Party/s : Mr. Panchanand Pandit

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 16-10-2020 Heard Mr. Bijay Prakash Singh, learned counsel for
the petitioner and Mr. Panchanand Pandit, learned counsel
appearing for the State through video conferencing.

Petitioner seeks regular bail in connection with Siwan
Mahila P.S. Case No. 45 of 2019 registered for the offence
under Section 376 (AB) of the I.P.C. and Section 4 / 6 / 8 of the
POCSO Act.

The allegation against the petitioner as per the First
Information Report lodged by the victim stating therein that
while the victim was alone in her house and her mother had
gone for negotiation of marriage of her elder sister, the
petitioner entered into the house of the informant and committed



rape.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case due to oblique motive. Learned counsel further submits that petitioner is the neighbour of the victim girl and F.I.R. has been lodged after a delay of 08 days. Learned counsel referring to the supplementary affidavit submits that during the course of trial the victim girl was examined and she has not supported the prosecution story and has been declared hostile by the prosecution.

Having heard learned counsel for the parties and taking into consideration the materials available on record, the fact that during the course of trial the victim girl has not supported the prosecution story and petitioner is in custody since 20.10.2019, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular 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, Siwan /court concerned in connection with Siwan Mahila P.S. Case No. 45 of 2019 subject to the following condition:-



(i) that the petitioner shall remain present on each and every date during the course of trial and in case of default on two consecutive dates on the part of the petitioner, his bail bond shall be liable to be cancelled.

It is made clear that at the time of furnishing bail bond all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

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