

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3107 of 2020

Arising Out of PS. Case No.-144 Year-2019 Thana- KURTHA District- Jehanabad

SHIV KUMAR YADAV @ SHIV KUMAR Son of Laldev Yadav @ Laldev Singh Resident of Village - Dhondhara Tola Musan Vigha, P.S.- Kurtha, District- Arwal, through his guardian Laldev Yadav @ Laldev Singh (Father), Resident of Village- Dhondhara tola Musanvigha, P.S.- Kurtha, District- Arwal.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shama Sinha
For the Opposite Party/s : Mr.Mithlesh Kumar Khare

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 20-01-2020 Heard the learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Kurtha P.S. Case No. 144 of 2019 for the offence registered under Sections 376 and 120(B) of the Indian Penal Code and Section 8 of the POCSO Act.

The allegation is regarding the petitioner having tried to commit rape with the daughter of the informant who is stated to be a minor girl aged about 13 years.

The learned counsel for the petitioner has submitted that a bare perusal of the statement of the victim girl made under Section 164 Cr.P.C. before the learned Magistrate would show



that only attempt has been made to commit rape, however, no rape has been committed by the petitioner herein and the petitioner himself is a minor inasmuch he is stated to be 17 years of age as on the date of commission of the alleged occurrence. It is further submitted that the petitioner is having a clean antecedent and he is languishing in custody since 29.08.2019.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner coupled with the fact that the petitioner is having a clean antecedent, I deem it fit and proper to direct for release of the petitioner herein 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 Additional Sessions Judge-1st, Jehanabad in connection with Kurtha P.S. Case No. 144 of 2019.

It is further directed that the petitioner would be released on bail, as aforesaid only after the parents of the petitioner herein furnish an undertaking to the effect that they would ensure that no such incident takes place in future and that the petitioner is kept in a proper social environment so that



he does not come in contact with any anti social element or unwanted contents either audio or visual. It is further directed that in case any such untoward incident is committed, henceforth, by the petitioner herein, the present privilege of bail shall stand cancelled automatically.

(Mohit Kumar Shah, J)

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