

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23860 of 2021

Arising Out of PS. Case No.-32 Year-2020 Thana- MAHILA PS District- Aurangabad

SANTOSH YADAV, Son of Kamata Prasad Yadav @ Kamtu Yadav, Resident
of Village - Bardih, P.S.- Madanpur, District - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ashok Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Rajiv Nayan, APP
For the informant	:	Mr. Narendra Kumar Sinha, Advocate

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 02-07-2021 Heard learned counsel for petitioner, learned
counsel for the State and learned counsel for the informant.

Petitioner, who is in custody, seeks bail in a case registered for the offences punishable under Sections 376, 366(A)/506/34 of the Indian Penal Code and section 4 of the POCSO Act.

Informant has alleged in his complaint case filed in the court of Special Judge (POCSO) which was referred to police for institution of case u/s 156(3) of Cr.P.C. that on 05.10.2020 his minor daughter had gone to attend tailoring class, petitioner enticed away her daughter and took her on his motorcycle to Aurangabad and thereafter to Patna and sexually exploited her for 15 days and thereafter dropped her in

Madanpur on 27.10.2020 and threatened her not to disclose about it to anyone and his daughter came to residence and told him the ordeal but police did not register the case, so he filed complaint case in POCSO Court on 02.11.2021.

It has been submitted on behalf of the petitioner that he is innocent and has committed no offence. He has been falsely implicated in this case. He works in a private firm in Gujarat and was not even present on the alleged dates of occurrence. It has been further submitted that the occurrence took place on 05.10.2020 but the complaint was lodged on 02.11.2020 and FIR instituted on 05.11.2020 after delay of 28 days without any explanation. There is no reason for informant not to institute FIR on 05.10.2020 on the date it is alleged that petitioner enticed away his daughter. Victim was examined by Medical Board and as per medical report victim is stated to be between 17-19 years. No injury on whole body or any evidence of rape has been reported. Petitioner has no criminal antecedent and is in custody since 03.02.2021.

Learned Counsel for the informant has vehemently opposed the prayer for grant of regular bail to the petitioner.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail

upon furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-VI-cum-Exclusive Judge (POCSO), Aurangabad in connection with Mahila P.S. Case No. 32/20, subject to conditions:

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

Rajiv/veena-

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