

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 30795 of 2021

Arising Out of PS. Case No.-250 Year-2018 Thana- BARH District- Patna

SATRUDHAN YADAV S/o Rajendra Yadav Resident of Village- Tartar, P.S.-
Goshwari, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajnish Chandra, Advocate
For the Opposite Party/s : Mr.Braj Kishore Pd., APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 01-11-2021 Heard learned counsel for petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail in a case
registered for the offences punishable under Section 376/34 of
the Indian Penal Code and Section 6 of the POCSO Act.

Informant has alleged in her fardbeyan that on the
previous night at about 12:55 PM her neighbour Shakuntala
Devi entered into her house and took her in the house of
neighbour/tenant, where FIR named accused including
petitioner were present and thereafter they closed the door and
co-accused Manne Yadav committed rape upon her, however
subsequently, it has been stated that both committed rape upon
her and also assaulted.

It has been submitted on behalf of the petitioner

that he is innocent and has been falsely implicated in this case due to village rivalry and animosity. The victim had love affair with co-accused Manne Yadav and she had gone there willingly and out of her own volition and even in the medical report, no sign of rape or physical assault has been found by the doctors constituting medical board and her age has been assessed to be between 15-17 years and medical board has opined that rape could not be ascertained. The statement of victim was recorded u/s 164 of Cr.P.C. in which she has not named petitioner as having committed rape upon her. Petitioner has no criminal antecedent and is in custody since 26.07.2020.

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 Sessions Judge-1st-cum-Spl. Judge, Patna, in connection with Barh P.S. Case No. 250 of 2018 in Spl. Case No. 138 of 2018, subject to conditions that:-

- (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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