

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL REVISION No.327 of 2021**

Arising Out of PS. Case No.-47 Year-2020 Thana- AGIAON BAZAR District- Bhojpur

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AMIT KUMAR YADAV @ AMIT KUMAR Son of Binod Singh Yadav
Resident of Village - Jagdeopur, P.S. - Agiaon Bazar, District - Bhojpur, Arrah
under the guardianship of His father Binod Singh Yadav, aged about 41 years,
male, son of Babu Lal Singh

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Anil Kumar Singh, Adv.
For the Respondent/s	:	Mr.Ajit Kumar, APP
For the Informant	:	Mr. Rajani Ranjan Prasad Singh, Adv.

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 01-09-2021 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

Petitioner in the present case is seeking setting aside
of the order dated 11.02.2021 passed by the learned 1st
Additional Sessions Judge, Bhojpur, Arrah in Special Children
Case No.11 of 2020 arising out of Agion Bazar P.S. Case
No.47/2020 whereby and whereunder the prayer for bail of the
petitioner has been rejected in connection with JJB Case No.815
of 2020 for the offence under Sections 376 of the Indian Penal
Code and Section 4 of POCSO Act.

As per prosecution story, the daughter of the
informant aged about 12 years had gone to graze her she-buffalo

where this petitioner having found her alone in a lonely place induced her, took her at Karha and started doing wrong things. It is alleged that when the victim tried to save her then the petitioner pressed her mouth and threatened her to kill. This petitioner happens to be the uncle of the victim.

Learned counsel for the petitioner submits that it is a case of false implication of a juvenile. The petitioner has been adjudged juvenile having his age as sixteen years two months approximately on the date of alleged occurrence. It is his submission that the parties have got a land dispute and because of the said land dispute which is going on, the mother of the victim has lodged the F.I.R. The land dispute has been certified by the Mukhiya and Sarpanch vide Annexure '3' and '3/1' respectively.

Learned counsel for the petitioner further submits that medical examination report of the victim does not confirm commission of any sexual act and the report is only vague in nature. Learned counsel submits that in the social investigation report nothing adverse has come against this petitioner and the neighbours have suggested that the petitioner is interested in studies and no adverse remarks has been made against him, therefore, if released on bail, the petitioner shall be able to

attend his regular intermediate classes and continue with his study to remain connected with the mainstream of the society.

Learned A.P.P. for the State has though opposed the prayer for bail of the petitioner on the ground that the trial court report says that out of six witnesses, four witnesses have already been examined and the trial itself is likely to be concluded within two months, however, learned A.P.P. has after going through the social investigation report and the case diary confirmed that there is no adverse remark against the petitioner in the social investigation report and the medical examination does not confirm commission of sexual act against the victim.

At this stage, learned counsel for the informant has also appeared and on query made by this Court, informs this Court that the victim girl has already been examined.

Having regard to the facts and circumstances of the case, since the trial court has submitted a report that the trial itself is likely to be concluded within two months, this Court is not inclined to release the petitioner on bail at this stage.

The trial court is expected to conclude the trial within two months from the date of communication of a copy of this order. In case the trial remains unconcluded for no reason attributable to the petitioner, petitioner may apply for bail in the

learned trial court itself which will be considered expeditiously.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.