

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31898 of 2020

Arising Out of PS. Case No.-9 Year-2018 Thana- MAHILA P.S. District- Madhubani

Ram Prikshan Yadav @ Prikshan Yadav, Male, aged about 60 years, son of Late Bauvalal Yadav, resident of Village - Bardahi, Police Station - Babubarhi, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate
For the State : Mr. Md. Arif, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 09-03-2021

Heard Mr. Sanjay Kumar Jha, learned counsel for the petitioner and Mr. Md. Arif, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner apprehends arrest in connection with Madhubani Mahila PS Case No. 09 of 2018 dated 31.01.2018, instituted under Sections 341, 323, 354-B/34 of the Indian Penal Code and 8 of the Protection of Children from Sexual Offences Act, 2012.

3. The allegation against the petitioner and another person is that they had tied the mouth of the informant and torn her clothes with intention to commit rape, but on alarm when people started assembling, they had run away.

4. Learned counsel for the petitioner submitted that he has been falsely implicated as the incident is said to have taken



place on 12.01.2018, but the FIR has been lodged on 31.01.2018. Further, it was submitted that on 14.01.2018, the petitioner has lodged Babubarhi PS Case no.13 of 2018 for an incident which occurred on 12.01.2018 against the informant and her family members under sections 341, 323, 325, 379/34 of the Indian Penal Code. It was submitted that even as per the allegation, the petitioner and co-accused are said to have torn the clothes and only attempt was made to commit rape. Learned counsel submitted that the petitioner has no criminal antecedent. Learned counsel submitted that the police have found the case not true and that is why had submitted final form and not sent the petitioner for trial, but the Court differing from the said report has taken cognizance on the protest filed by the informant.

5. Learned APP submitted that there is allegation against the petitioner and co-accused of outraging the modesty and also attempt to commit rape on the informant.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand)



with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge 1st cum Special Judge, POCSO Act, Madhubani, in Madhubani Mahila PS Case No.09 of 2018, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, and further (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall cooperate the Court/police/prosecution. Any violation of the terms and conditions of the bonds or non-cooperation shall lead to cancellation of his bail bonds.

7. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioner, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

J. Alam/-

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