

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37468 of 2020

Arising Out of PS. Case No.-301 Year-2019 Thana- LAKHISARAI District- Lakhisarai

BIRU YADAV @BIRU KUMAR S/o Ramakant Yadav R/o Village-
Gorsanda, P.S.- Lakhisarai (Ramgarh Chowk) District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yogesh Chandra Verma, Sr. Advocate
For the Opposite Party/s : Mrs.Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 05-04-2021 Heard both parties.

The petitioner seeks bail in Lakhisarai (Ramgarh Chowk) P.S. Case No. 301 of 2019, registered for the offence punishable under Sections 354A, 354B, 376 and 511 of the Indian Penal Code and section 8 of the POCSO Act.

As per the prosecution case, this petitioner is alleged to have disrobed the daughter of informant aged about 15 years and tried to commit rape. The victim girl in her statement under Section 164 Cr.P.C has also supported the prosecution story.

It is submitted on behalf of the petitioner that petitioner has falsely been implicated in this case due to village politics and age of the victim girl is 18 years, so POCSO Act will not be applicable. Petitioner is in custody since 07.04.2019 having clean antecedent, as stated in para 3 of the petition.



Chargesheet has already been submitted.

Considering the period of custody coupled with the fact that petitioner has got clean antecedent, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned District and Sessions Judge Ist-cum-Special Judge, Lakhisarai in connection with Lakhisarai (Ramgarh Chowk) P.S. Case No. 301 of 2019, subject to following conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) 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.

(Prabhat Kumar Singh, J)

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