

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40371 of 2020

Arising Out of PS. Case No.-150 Year-2020 Thana- KAKO District- Jehanabad

MITHILESH YADAV, son of Late Preman Yadav, Resident of Village-
Rasalpur, Tola- Beldari Bigha, P.S. Kako, District- Jehanabad

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Soni Srivastava

For the Opposite Party/s : Mr. Tapeswar Sharma

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 07-07-2021 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State, through video
conferencing.

The petitioner seeks regular bail in connection with
Special POCSO Case No. 28 of 2020, arising out of Kako
Police Station Case No. 150 of 2020, registered for the offences
punishable under Sections 354/354-B/504/506 of the Indian
Penal Code and Section 8 of the Protection of Children from
Sexual Offences Act, 2012.

The allegation against the petitioner, as per the First
Information Report, is that on 26.07.2020, when the 13-years
old daughter of the informant had gone to purchase potatoes
from the shop of the petitioner, the petitioner touched her body
inappropriately.



Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case with oblique motive inasmuch as the petitioner had given some articles to the informant on credit and when the money was demanded by the petitioner, he has been implicated in this false case. She further submits that during trial, the victim girl has not supported the prosecution version. She further submits that the statement of the victim girl, under Section 164 of the Code of Criminal Procedure, 1973, was recorded after about one month of the alleged occurrence. She next submits that the petitioner is in custody since 27.07.2020.

On the other hand, learned Additional Public Prosecutor submits that the victim girl is minor and in her statement, under Section 164 of the Code of Criminal Procedure, 1973, she has categorically stated that the petitioner had touched her body inappropriately.

This Court, vide order, dated 29.04.2021, had called for a report from learned 6th Additional Sessions Judge -cum- Special Judge, Jehanabad, regarding the stage of the trial and in pursuance thereof, learned 6th Additional Sessions Judge -cum- Special Judge, Jehanabad, has furnished the report, dated



18.05.2021, stating therein that out of eight charge sheet witnesses, five witnesses, including the victim girl, have been examined and the learned Trial Court has further given estimated time for completion of the trial within two months.

Having heard learned Counsel for the parties and taking into consideration the materials on record, the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure, 1973 and the report of the learned Trial Court, I am not inclined to grant regular bail to the petitioner, at this stage.

This application is, accordingly, dismissed.

However, the petitioner may renew his prayer for bail after two months from today, if the trial does not conclude.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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