

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1571 of 2021**

Arising Out of PS. Case No.-79 Year-2020 Thana- MAHILA P.S. District- Kaimur (Bhabua)

Rohit Yadav Son of Bihari Yadav, Resident of Village - Bhatani, P.S. - Chand,
District – Kaimur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar Singh

For the Opposite Party/s : Mr.Humayou Ahmad Khan

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 09-04-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceedings.

The petitioner seeks bail in a case registered for the
offence punishable under Section 376 of the Indian Penal Code
and Section 6 of the POCSO Act.

Allegation against the petitioner is of committing rape
to the informant.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case at the instance of his enemies. There is no occurrence took
place as alleged in the FIR, which itself appears to be false and
doubtful. He further submits that in the statement of the victim
recorded under Section 164 Cr.P.C., she refused the allegation of
rape committed by the petitioner and further declared her age
about 12 years and learned court below has assessed her age to



be 16 years. In medical report her age assessed 17-19 years.

Learned counsel for the petitioner further submits that the victim claimed over her family member who putting pressure not to sign on any paper without their consent, concealing the real facts, which appears to be doubtful the prosecution version. The petitioner is languishing in judicial custody since 15.10.2020. The petitioner has got no criminal antecedent which is mentioned in para 3 of the bail petition.

Learned APP for the State opposes the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each in connection with POCSO Case No. 41/2020 arising out of Bhabua Mahila P.S. Case No. 79/2020 to the satisfaction of learned Court below where the case is pending.

(Anjani Kumar Sharan, J)

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