

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5857 of 2021

Arising Out of PS. Case No.-126 Year-2020 Thana- JADIA District- Supaul

VIPIN KUMAR YADAV S/O Pramanand Yadav Resident Of Village -
Parwaha, Ward No. 02, P.S. - Jadia, District - Supaul.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Naresh Kumar Mehta, Adv.

For the Opposite Party/s : Mr. Yogendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

(The proceedings of the Court are being conducted through Video
Conferencing and the Advocates joined the proceedings through Video
Conferencing from their residence.)

2 16-04-2021 The defect(s) as pointed out by the Office be removed by

the learned counsel for the petitioner within two months after
the High Court resumes its normal functioning.

Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the offences
punishable under Sections 376(3), 504, 506/34 of the Indian
Penal Code and Section 4 of the POCSO Act, 2012.

As per the prosecution case, the informant stated that on
17.07.2020, his daughter became traceless from the house and
he started searching his daughter and subsequently, his daughter
was recovered. The victim narrated the whole incident to him
that while she was sleeping inside her house the petitioner
abducted her and committed rape on her.



It has been submitted on behalf of the petitioner that petitioner has falsely been implicated in this case by the informant to put pressure upon the petitioner to solemnize his marriage with her daughter. It has also been submitted that from perusal of medical report of the victim, it is clear that victim was major and no sign of rape was found. There is contradiction between written report of the informant and statement of victim recorded under Section 164 of the Cr.P.C. Petitioner has no criminal antecedent and is in judicial custody since 31.07.2020.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with POCSO Case No. 36 of 2020 arising out of Jadia P.S. Case No. 126 of 2020, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) 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 his absence on two consecutive dates without sufficient reason,



his bail bond shall be cancelled by the court below.

(3) 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.

(S. Kumar, J)

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