

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1985 of 2022**

Arising Out of PS. Case No.-35 Year-2021 Thana- MAHILA P.S. District- Kaimur (Bhabua)

BABAL YADAV @ ATUL KUMAR YADAV @ ATUL YADAV Son of Ram
Awadh Yadav Resident of Village- Karaila Kala, P.S.- Jamaniya, District-
Ghazipur (U.P.).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar, Advocate

For the Opposite Party/s : Mr.Ram Priya Sharan Singh, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 03-09-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Kaimur
(Bhabhua) Mahila P.S. Case No. 35 of 2021 registered for the
offence under Sections 363, 366A and 376 of the Indian Penal
Code read with Section 04 POCSO Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 23.06.2021.

The allegation against the petitioner is to kidnap the
minor daughter of the informant for the purpose of illicit
intercourse and also to commit rape.



Learned counsel appearing on behalf of the petitioner submitted that victim denied the allegation of kidnapping and rape upon her, in her statement recorded under Section 164 of the Cr.P.C. It is submitted that victim appears to be major, as her age is ranging between 16-18 years, as per medical report. It is also submitted that it is a case of love affairs, where physical relation was established admittedly, out of the consent of the victim. While concluding the argument, it has been submitted that investigation is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that victim is about 15 years of age, as per High School Certificate, and consent of minor cannot be said a valid consent under the law.

In view of the facts and circumstances as mentioned above, as statement of victim, recorded under Section 164 of the Cr.P.C., supported the fact of her pregnancy, caused by petitioner, this Court is not inclined to grant privilege of bail to the petitioner, at present.

Accordingly, the prayer for bail of the petitioner is rejected herewith.



The trial court is directed to conclude the trial within the time period, as prescribed under Section 35(2) of the POCSO Act, 2012, by taking this matter on board, on day-to-day basis, from the date of receipt of this order, failing which, petitioner shall at liberty to renew the prayer of bail, if so advised.

The Superintendent of Police, Kaimur at Bhabhua, is directed to produce the charge-sheeted witnesses, as and when directed by the trial court, so as to conclude the trial within the time period, as prescribed under the law, as mentioned above.

(Chandra Shekhar Jha, J)

R.S.Sen/-

U		T	
---	--	---	--

