

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7145 of 2022

Arising Out of PS. Case No.-94 Year-2020 Thana- KHUDAGANJ District- Nalanda

SUKESH YADAV @ SUKESH KUMAR @ BAUNA SON OF DWARIKA
YADAV R/O VILLAGE- LAKSHMI BIGHA, P.S.- ISLAMPUR, DISTRICT-
NALANDA, AT PRESENT VILLAGE (NANA HOUSE) ARJUN,
SERTHUA DIH, P.S.- KHUDANGANJ, DISTRICT- NALANDA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bipin Kumar, Advocate
For the Opposite Party/s	:	Mr. Sadanand Paswan, APP
For the Informant	:	Mr. Praveen Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 10-10-2022 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
Khudaganj P.S. Case No. 94 of 2020 registered for the offence
under Sections 341, 323, 354, 379, 452, 504 and 506 of the
Indian Penal Code, Sections 8, 10 and 12 of the POCSO Act and
Section 3(i) (r) (s) of SC/ST Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 18.01.2021.

The allegation against the petitioner is to outraging



modesty of daughter of informant, aged about 13 years, while she was sleeping in her house along with informant, where, informant is the member of schedule caste community.

Learned counsel appearing on behalf of the petitioner submitted that allegation appears highly improbable on its face for the simple reason, as how petitioner succeed to enter inside the close premise. It is also submitted that previous enmities is an admitted position and for the said reason of local disputes and differences, this petitioner has been implicated in the present false case, as same is also apparent from the statement of victim, as recorded under Section 164 of the Cr.P.C. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel for the informant, while opposing the prayer of bail, submitted that almost all prosecution evidence were examined and as such, trial is in advance stage.

Considering the facts and circumstances as mentioned above and further considering the custody period in the background of admitted previous enmities as per statement of



victim, as recorded under Section 164 of the Cr.P.C., let the petitioner, above named, is directed to be released on bail in connection with Khudaganj P.S. Case No. 94 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned VIIth Additional Sessions Judge-cum-Special POCSO Judge, Nalanda at Biharsharif/concerned court, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors of the petitioner shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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