

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26177 of 2022

Arising Out of PS. Case No.-75 Year-2021 Thana- KOTHI District- Gaya

RAJU YADAV @ RAJU KUMAR Son of Yogi Yadav Resident of Village -
Manjhigaon, P.S.- Kothi, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Javed Jafar Khan, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-08-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in judicial custody in connection
with Kothi P.S. Case No. 75 of 2021 for the offences under
Section 354(B)/34 of the Indian Penal Code and Section 8 of the
POCSO Act.

The allegation against the petitioner herein is that
when the informant and the victim was attending cultural
programme, as the girl had gone outside to attend the call of
nature, it was alleged that this petitioner along with one Jitendra
Yadav tried to molest and rape her. Upon ‘hulla’, the other
people came and they fled away.



Learned counsel for the petitioner submits that the allegation of molestation is against the two accused persons including the petitioner herein for which he has already suffered by being in jail since 25.02.2022 (as stated in paragraph-12 of the bail application) despite the fact that he has clean antecedent and he as such submits that he deserves bail.

Considering the aforesaid facts as also that the petitioner is in custody since 25.02.2022, charge sheet stands submitted and he has clean antecedent, this Court is inclined to grant him the privilege of bail. However, if it is found that the he has criminal antecedent, the bail bond shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of Exclusive Special Judge (POCSO) -cum- ADJ-VII, Gaya in connection with Kothi P.S. Case NO. 75 of 2021, subject to the following conditions.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive



dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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