

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34113 of 2022

Arising Out of PS. Case No.-470 Year-2020 Thana- CHOUTARWA District- West
Champaran

ANIL YADAV S/o Ramnath Yadav Resident of Village- Pakari, Ward No. 04,
P.S.- Bathwariya, District- West Champaran. Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kr Singh No. 1, Advocate
For the Opposite Party/s : Mr. Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-09-2022 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
Chautarwa (Bath Wariya) P.S. Case No. 470 of 2020 for the offences
under Sections 341, 354, 354(A), 376, 511 and 506/34 of the Indian
Penal Code and Section 3(i)(r)(s), 2(v-a) of the SC/ST Act and
section 8 of the POCSO Act.

As per the FIR, the informant has alleged that while she
along with her niece had gone to see sugarcane crops, the petitioner
herein caught hold her and took her in a sugarcane field and
committed rape but on her 'hulla' Rina Kumari (niece) and her
father, Rajat Ram as also her neighbour Hardeo Ram came there and
saved her. The petitioner herein was able to escape from the scene.
Accordingly, the FIR was lodged and the petitioner has been taken
into custody.



Learned counsel for the petitioner submits that this FIR has been lodged to settle political scores inasmuch as both the informant and the accused persons were representing different set of people in the election. His further submission is that as per the FIR, the occurrence took place on 07.11.2020 but it was lodged on 10.11.2020 and there is no explanation for the said delay. His further submission is that although in the FIR, the girl has been shown to be minor, to his knowledge she is major and in absence of any medical examination of her, it cannot be said that she was a minor. His last submission is that her statement was not recorded under Section 164 Cr.PC. and the police after investigation has submitted charge sheet under Sections 341 and 354 of the Indian Penal Code as also Section 3(i) (r) (w), 2 (v-a) of SC and ST Act (as stated in paragraph-9 of the bail application).

Taking into account the aforesaid fact as also the delay in lodging the FIR and the fact that the police has submitted charge sheet amongst other under sections 341 and 354 of the Indian Penal Code as also Section 3(i) (r) (w), 2 (v-a) of SC and ST Act and the petitioner is in custody since 02.04.2022, this Court is inclined to grant him privilege of bail.

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 Additional Sessions Judge, 7th cum Special Judge (POCSO), West Champaran, Bettiah in connection



with Chautarwa P.S. Case NO. 470 of 2022, 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 in no way try to induce or promise or threat the witnesses or tamper with the evidence, 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)

Jagdish/Neha-

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