

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.43269 of 2021**

Arising Out of PS. Case No.-251 Year-2021 Thana- DAUDNAGAR District- Aurangabad

Bhola Yadav @ Ayush, aged 20 years (Male) Son of Radheshyam Yadav  
Resident of Village - Keshrari, P.S.- Daudnagar, District - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |                               |
|--------------------------|-------------------------------|
| For the Petitioner/s     | : Mr.Binod Kumar Pandey, Adv. |
|                          | Mr. Bachan Jee Ojha, Adv.     |
| For the Opposite Party/s | : Dr. Ajeet Kumar, APP        |

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA  
ORAL ORDER**

3      22-02-2022                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Daudnagar P.S. Case No. 251 of 2021 registered for the offences punishable under Sections 341/354(B)/376/511/506/34 of the Indian Penal Code and Section 8/12 of the POCSO Act.

The prosecution case in short is that the Informant, the victim girl, had gone to the house of her neighbour Ashok Sao for participating in the marriage ceremony and, thereafter, at about 10 PM, she was returning from his house but, in the way, the accused persons including petitioner caught her hold and



molested her and tried to outrage her modesty and also attempted to commit rape upon her. In the meantime, the family members of the victim girl arrived there and saved her.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case. He further submits that the place of occurrence, as mentioned in the First Information Report, it is not possible for anyone to commit rape upon a person. He further submits that from the First Information Report, it appears that the date of occurrence is 06.05.2021 but, the First Information Report has been instituted on 10.05.2021. He further submits that the police after investigation submitted charge sheet against the petitioner and other accused person and the petitioner is in custody since 30.06.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail but, fairly submits that petitioner carries no criminal antecedent.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional



District Judge VI -cum- Special - Exclusive Judge (POCSO),  
Aurangabad in connection with Daudnagar P.S. Case No. 251 of  
2021, subject to the following conditions:-

1. 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Rajesh Kumar Verma, J)**

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