

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35316 of 2022

Arising Out of PS. Case No.-61 Year-2021 Thana- MAHILA P.S. District- Kaimur (Bhabua)

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YOGENDRA CHOUBEY @ SUGGA CHOUBEY SON OF MADAN
CHOUBEY R/O VILLAGE- SAPNAUTIYA, P.S.- SONHAN, DISTRICT-
KAIMUR AT BHABUA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : None

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 16-09-2022 No one appears on repeated call on behalf of the petitioner. Learned APP for the State is present through virtual mode in view of COVID-19.

Let the defect(s) be removed within four weeks of the complete start of the physical Court in normal course.

The case is registered in connection with POCSO Case No.09/2022 arising out of Mahila (Bhabua) P.S. Case No.61 of 2021 under Section 354(B) of the Indian Penal Code and Section 8 of the POCSO Act.

As per the FIR, the victim girl has alleged that when she was going to attend the nature of call, the petitioner came to her and made inappropriate touch of her body but when he saw her relative coming, he fled away.

As per the averment made in the FIR, for the said act



of his he has already suffered by being in custody since 22.02.2022 despite the fact that he has clean antecedent.

Taking into account the aforesaid averments made in the bail application as also his period of custody and the fact that charge sheet stands submitted, this Court is inclined to grant him privilege of bail with strict conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with POCSO Case No.09/2022 arising out of Mahila (Bhabua) P.S. Case No.61 of 2021 to the satisfaction of learned Additional Sessions Judge, Vith-cum-Special Judge, POCSO Act, Kaimur at Bhabua, subject to 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 reason will entail cancellation of his bail by the Trial court itself;

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



presence;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) 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)

Prakash Narayan /-

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