

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44920 of 2021**

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

RAMSUBHAG YADAV @ DANA YADAV S/o SURESH YADAV R/o
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.

For the Opposite Party/s : Mr. 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.

The 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 and 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 the petitioner has clean antecedent and has not committed any offence and he has falsely been implicated in the present case. He further submits that no offence as alleged in the F.I.R. has taken place. No specific allegation of any physical assault or any overt act committed by the petitioner is attributed to him. He further submits that from the First Information Report, it appears that the date of occurrence is 06.05.2021, whereas the First Information Report has been instituted on 10.05.2021 after lapse of four days without explaining the plausible delay, which creates doubt over the prosecution version. He further submits that the police after investigation submitted charge sheet against the petitioner in this case. Moreover, the co-accused, Bhola Yadav @ Ayush, has been granted bail by this Court vide order dated 22.02.2020 passed in Cr. Misc. No. 43269 of 2021 and the



petitioner is in custody since 26.06.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail.

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 canceled 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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