

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35795 of 2022

Arising Out of PS. Case No.-236 Year-2022 Thana- BARACHATTI District- Gaya

RAJDEV YADAV @ CHITRANJAN KUMAR SON OF DWARIKA YADAV
R/O- VILL- GANGUAR, P.S.- BARACHATTI, DIST.- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailesh Kumar, Advocate

For the Opposite Party/s : Mr.Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 19-09-2022 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
Barachatti P.S. Case No. 236 of 2022 for the offences under Sections
354(B), 342, 504 and 506 of the Indian Penal Code and section 3(1)
(r) (s) and (w) of the SC/ST Act.

As per the FIR, the informant has alleged that her minor
daughter, namely Khusbhu Kumari aged about 15 years went to
farms for grazing her swine. In the meantime, the accused, Rajeev
Yadav @ Chitranjan Kumar (the petitioner herein) reached there and
caught hold of her, took her to wheat farm and attempted to rape.
Accordingly, the FIR was lodged and the petitioner was taken into
custody.



Learned counsel for the petitioner submits that no such case has alleged has occurred and only because of village rivalry, he has been implicated in this case. He further draws the attention of this Court to paragraph -9 of bail application stating that

- (i) the age is above 19 years;
- (ii) there is no sign of recent sexual intercourse and;
- (iii) no injuries found in private parts.

Learned APP for the State, on the other hand, a bare perusal of the order of the learned Sessions Judge, would show that the girl has alleged the act attributed to the petitioner herein.

Taking into account the averments that has been made in paragraph-9 of the bail application coupled with the fact that he is in custody since 22.03.2022 and he has no criminal antecedent, this Court is inclined to grant him privilege of bail after framing of charges.

If, however, it is found that any averments made in the bail application is/are false, the bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of like amount each to the satisfaction of learned Exclusive Special Judge (POCSO) cum ADJ-VII, Gaya in connection with Barachatti P.S. Case No. 236 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 appear before the concerned police station every fortnight till the conclusion of the trial to mark his presence;

(iv) 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;

(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)

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