

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37501 of 2022

Arising Out of PS. Case No.-72 Year-2022 Thana- RAMGARHWA District- East Champaran

Guddu Yadav Son Of Bhannu Yadav, Resident Of Village- Behihari, P.S.-
Ramgadhwa, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 23-09-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Ramgadhwa P.S. Case No. 72 of 2022 lodged under Sections
323 and 354(B) of the Indian Penal Code read with sections 7, 8
and 18 of POCSO Act.

As per the prosecution, the allegation against the
petitioner is that the informant went in the field then the
petitioner has caught her hand and attempt to rape but anyhow
she fled away and communicate this information to her family
member.

Learned counsel for the petitioner submits that

petitioner is innocent and has committed no offence. He further submits that allegation of under Sections 7,8 and 18 of POCSO Act are not attracted in this case. He further submits that from the order passed by Special Court, the statement of section 161 and 164 of Cr.P.C. were acknowledged in which only acceptance to caught her hand was made by the alleged victim. Learned counsel further submits that antecedent of the petitioner is clean and he is in custody since 13.05.2022.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of the case and the submissions made above, I am not inclined to grant bail to the petitioner at present but liberty is hereby granted to renew his prayer after 2 months from the date of framing of charge. Trial Court is directed to release the petitioner on bail imposing its own conditions so that petitioner shall not evade his presence during trial.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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