

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42576 of 2022

Arising Out of PS. Case No.-114 Year-2022 Thana- FALKA District- Katihar

Jyotish Kumar Yadav S/O Fuleshwar Yadav Resident of village- Bharsiya,
P.S.- Falka, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Adv.
For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 06-12-2022 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
Falka P.S. Case No. 114 of 2022 lodged under Sections 376,
354(B)/34 of the I.P.C. read with Section 4/8 of POCSO Act.

As per the prosecution case, the allegation against the
petitioner is that he has forcefully developed physical relation
with the informant when she went in the field for cutting the
grass for her cow and also prepared naked video and
photograph and thereafter, continuously tortured to maintain the
physical relation with her. Subsequently, the petitioner has also
pressurized the informant to develop her physical relation with
other friends.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. Counsel submits that the contents of the F.I.R. and the contents of statement recorded under Section 164 of Cr.P.C. are mis-match. Counsel further submits that the antecedent of the petitioner is clean and he is in custody since 11.04.2022.

Learned counsel for the State opposes the prayer for bail and submits that the statement recorded under Section 164 of Cr.P.C. may not been very much clear but the medical report fully supports the allegations made in the F.I.R. Counsel further submits that till date, charge has not been framed in this case.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner, therefore, his bail petition is hereby rejected.

However, liberty is hereby granted that he may renew his prayer for bail 3 months after framing of charge and the Trial Court is directed to release him on bail thereafter, imposing its own conditions so that he may not evade his appearance during trial.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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