

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56747 of 2021

Arising Out of PS. Case No.-7 Year-2021 Thana- MAHILA P.S. District- Lakhisarai

Sunil Yadav @ Sunil Kumar, Son of Laxmi Yadav, Resident of Village-
Morma, P.S- Amahara, Dist- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

6 11-05-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail, who is in custody in
connection with Lakhisarai Mahila P.S. Case No. 07 of 2021 for
the offences punishable under Sections 420/376 of the Indian
Penal Code and Section 4 of the POCSO Act.

As per prosecution case, it is alleged that this
petitioner, being neighbour of the informant, had established
sexual relationship with her 17 years old daughter for about one
month due to which her daughter became pregnant. It is further
alleged that when she and her daughter (victim) informed about



the same to the petitioner, he abused and threatened with dire consequences.

It is submitted on behalf of the learned counsel for the petitioner that the petitioner happens to be the cousin of the victim and both are also neighbours. It is also submitted that statement of the victim has been recorded under Section 164 of the Cr.P.C. wherein she categorically stated that she had voluntarily made sexual relationship with this petitioner for money and she further stated that she is not pregnant and further denied any allegation of rape upon her. The statement of the victim has been brought on record by way of Annexure-2 to this petition. It is further submitted that though as per the educational certificate, her date of birth has been shown to be 01.01.2004 and, as such, on the alleged date of occurrence she was only 17 years and one month, but the fact is that she is more than 18 years old and prior to that she never made any complaint to any of the family members or any person. It is also submitted that as there was quarrel between both the family members and as such the name of the petitioner has been implicated in this case. It is lastly submitted that the victim girl was medically examined, but no sign of rape has been found. The petitioner is in custody since 17.08.2021 having no criminal



antecedent and there is no allegation of tampering with the evidences or intimidating the witnesses.

On the other hand, learned Additional Public Prosecutor for the State opposes the bail application and submits that the victim is aged about 17 years and there is specific allegation that the petitioner had established sexual relationship with the victim.

Having considered the submissions made on behalf of the parties and taking into consideration the statement of the victim recorded under Section 164 of the Cr.P.C., apart from the fact that this petitioner has clean antecedent and is in custody since 17.08.2021 and he is ready to give undertaking that he will not indulge in intimidating the witnesses or tampering with the evidence and he will co-operate in the trial, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-VI- cum- Special Judge (POCSO Court), Lakhisarai in connection with Lakhisarai Mahila P.S. Case No. 07 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-



(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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