

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52843 of 2022

Arising Out of PS. Case No.-71 Year-2021 Thana- MAHILA PS District- Buxar

Sushank Yadav @ Bade Yadav, aged about 19 years, Male, Son Of Ramayan Yadav @ Ramayan Singh, R/O Village And P.O.- Bhatauli, P.S.- Nawanagar, District- Buxar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Yogesh Kumar, Advocate
For the Opposite Party : Mr. Shailendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Learned counsel for the petitioner is directed to remove the defect (s), as pointed out by the office, within a period of four weeks.

The petitioner seeks bail in connection with Mahila P.S. Case No. 71/2021 registered for the offence under Sections 323, 379, 354(B), 506, 509/34 of the I.P.C. and 3 (C)/(7) of the POCSO Act.

The prosecution case, in brief, is that the victim is a student of Class-VIIth and used to go school regularly and while she was going to the school, near Nahar Pul, this petitioner and other co-accused used to tease her for which she informed her



family members. It is further alleged that on 28.01.2020 at about 4.30 P.M., while she was returning to her home from the school then this petitioner alongwith others forcefully took her to the paddy field and this petitioner alongwith other co-accused Sonu Yadav tried to commit rape upon her and other co-accused also started doing illegal activities. Co-accused Chhote Yadav took her earring worth Rs. 12,000/-. The victim raised alarm upon which, nearby people reached there, thereafter, all the accused persons fled away. The parents of the victim went to the house of accused persons for accusing them but they were threatened for dire consequence.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 06.07.2022. He has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has been made accused in the present case due to mistake of fact. The victim girl has been examined before the court below as P.W. 1. In her deposition before the court below, she has categorically denied the allegation made against the petitioner.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.



Considering the aforesaid facts and circumstances of the case, the petitioner, above-named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-VI-cum-Special Court (POCSO), Buxar, in connection with Mahila P.S. Case No. 71/2021.

(Sudhir Singh, J)

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