

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63170 of 2021

Arising Out of PS. Case No.-90 Year-2020 Thana- PARAIYA District- Gaya

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Ramesh Yadav Son of Mani Yadav Resident of Village - Manjhauli, P.S.-
Paraiya, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Atul Shankar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-04-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 354(A), 504, 34 of the Indian Penal Code, Section 8 of the Protection of Children from Sexual Offences (POCSO) Act, 2012, Section 3(i)(r) (s) SC/ST (Prevention of Atrocities) Act, 1989.

As per prosecution case, in brief, it is alleged by the informant Arvind Paswan that his minor daughter Rishi Kumari went to the house of Mithilesh Choudhary on 03.05.2020 to collect her brother aged about 4 years. In the meantime,



accused petitioner sexually harassed her. When her daughter moving from there alongwith her brother other accused persons passed comment on her and all the accused persons were in drunken state. Upon query of informant, accused petitioner abused him.

Learned counsel for the petitioner submits that the petitioner has clean antecedents and he has been falsely implicated in the present case. Further submits that it appears from the F.I.R. as well as statement victim girl recorded under Section 164 Cr. P.C., there is no allegation of sexual assault against the petitioner. Allegation against the petitioner is flirt with the victim girl. He further submits that police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 09.08.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with POCSO Case No. 52 of 2020 arising out of Paraiya P.S. Case



No. 90 of 2020, with the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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