

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70848 of 2021

Arising Out of PS. Case No.-33 Year-2021 Thana- MAHILA PS District- Jehanabad

Mantu Yadav, Son of Naresh Yadav, Resident of Village- Lakhawar, Police
Station- Ghoshi, District- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 11-10-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Special POCSO Case No. 52 of 2021 arising
out of Jehanabad Mahila P.S. Case No. 33 of 2021 registered for
the alleged offences under Sections 376, 376(AB), 377 and 506
of the Indian Penal Code and Section 4/6 of the POCSO Act.

As per prosecution case, the petitioner committed
rape and had unnatural sex with the minor daughter of the
informant.

The learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this



case. The present case has been lodged due to land dispute between the brother of the informant and this petitioner is cousin of the informant. Over said dispute the brother of the informant, namely, Awadhesh Yadav has lodged a case bearing Ghosi P.S. Case No. 107 of 2021 registered for the offences under Sections 147, 148, 326 and other allied Sections of IPC. This petitioner was granted bail after ten days in that case and the petitioner just came out of the jail, the present case has been lodged at the instance of the brother of the informant. The petitioner was arrested from his house on the same day of occurrence and if he had committed the alleged offence, he would have run away from his house so his behaviour shows his innocence. Learned counsel further submits that the victim girl was examined by the Medical Board on the next day, but no external injuries or evidence of sexual assault has been found on her body. Petitioner is in custody since 26.07.2021 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail submitting that there is specific allegation against this petitioner. However, learned APP concedes that the medical report shows no recent signs of sexual contact and no foreign bodies was found in private part apart from absence of any internal injuries. However, learned APP submits that the victim girl has supported



the prosecution case even in her statement recorded under Section 164 Cr.P.C.

Perused the records.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the absence of injuries or signs of sexual assault on the person of the victim girl as well as this petitioner and further considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Court POCSO, Jehanabad in connection with Special POCSO Case No. 52 of 2021 arising out of Jehanabad Mahila P.S. Case No. 33 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioner.



(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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