

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32617 of 2022

Arising Out of PS. Case No.-12 Year-2022 Thana- MAHILA PS District- Buxar

SONU KUMAR YADAV S/o Bihari Singh R/o Village- Semariya, P.S.-
Dhansoi, District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha, Adv.
For the Opposite Party/s : Mr. J.N. Thakur, APP

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

5 13-03-2023 The learned counsel for the petitioner is directed to
remove all the defects pointed out by the office within one month.

Heard the learned counsel for the petitioner as well as
Mr. J.N. Thakur, the learned APP for the State.

In this case, the petitioner is seeking regular bail in
connection with Buxar (Mahila) P.S. Case No. 12 of 2022,
registered for the offences punishable under Sections 341, 323,
447, 354 (B), 504, 506/34 I.P.C. and Section 8 of the POCSO Act
and 3(i) (r) (s)/3 (2) (V) SC/ST Act.

The allegation against the petitioner is that when the
minor daughter of the informant was sleeping in her house, the
petitioner entered into the house and attempted to commit rape
with her. His family members came there and forcibly rescued the
petitioner. They also abused the informant and his family members



in filthy words by calling their caste names.

The learned counsel for the petitioner has submitted that the petitioner is innocent. There was previous enmity between the parties and he is under custody for the period of 11 months. He has also submitted that the petitioner is a person of clean antecedents.

On the other hand, the learned Addl.P.P., Mr. J.N. Thakur, has opposed the prayer for bail and submitted that the daughter of the informant in her statement under Section 164 of the Cr.P.C. has stated that Sonu Kumar entered into her house and he asked her to take off her clothes. On denial, he abused her by calling her caste name. The son of her brother caught hold of the petitioner but he was rescued by his family members.

Considering the clean antecedents as well as the period of detention, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned A.D.J-cum-Special Judge, POCSO Court, Buxar in connection with Buxar P.S. Case No. 12 of 2022, subject to the following conditions:-

(i) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(ii) The petitioner shall remain physically present on



each and every date and, if he fails to appears on two consecutive dates, the learned court below shall be at liberty to pass appropriate orders.

(iii) If the petitioner is found involved in future in the similar type of offence, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.

Office shall ensure that all defects are removed by the petitioner within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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