

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33649 of 2023

Arising Out of PS. Case No.-205 Year-2022 Thana- JAMHOR District- Aurangabad

CHHOTAN YADAV @ CHHOTAN KUMAR SON OF YUGESH YADAV
RESIDENT OF VILLAGE SITARAMPUR, P.S -BARUN, DISTRICT
-AURANGABAD BIHAR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailesh Kumar Singh

For the Opposite Party/s : Mr.Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 07-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Jamhor P.S. Case No. 205 of 2022 registered for the offences
punishable under Sections 341, 323, 354(B), 504/34 of Indian
Penal Code and Section 8 of POCSO Act.

As per prosecution case, petitioner and others
forcibly closed the mouth of informant and made indecent
behavior with her.

Learned counsel for the petitioner submits that
petitioner is in custody since 17.04.2023. Petitioner bears no
criminal antecedent. Learned counsel further submits that the
petitioner is innocent and has committed no offence as alleged



in the F.I.R. There is no specific allegation against the petitioner. Allegation against the petitioner is general and omnibus in nature. Reason behind false implication of petitioner is that the village of informant and that of accused are adjacent to each other and an altercation has taken place between informant's father and petitioner's father on account of distribution of canal water. Learned counsel further submits that similarly situated co-accused Santan Mehta alias Santan Kumar has already been granted bail vide Cr. Misc. No. 58796 of 2022 by a co-ordinate bench of this Court and the petitioner deserves same treatment.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of the petitioner, argument advanced on behalf of the parties, taking into consideration the material available on record, co-accused has already been granted bail and on the principle of parity 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



Special Judge (POCSO) Aurangabad-cum-A.D.J.-VI,
Aurangabad in connection with Jamhor P.S. Case No. 205 of
2022, subject to following conditions:-

(i) One of the bailors shall be either father or
mother or sister or brother or wife or the person who has sworn
the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will
remain present on all dates and absence for two consecutive
dates without appropriate permission would be a ground for
cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

amitkr/-

U		T	
---	--	---	--

