

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35563 of 2023

Arising Out of PS. Case No.-89 Year-2022 Thana- MAHILA P.S BAGHA District- West
Champaran

Chhotelal Yadav S/O Late Tufani Yadav R/O Village- Naraipur, Ward No. 8,
P.S. Bagaha (Patkhauri O.P.), Dist.- West Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Gupta

For the Opposite Party/s : Mr.Akhileshwar Dayal

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 01-08-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner has prayed for regular bail in a case
registered for the offence punishable under Sections 376,
511 of the Indian Penal Code and Section 8 of the POCSO
Act.

As per prosecution case, it is a case of outraging
the modesty and attempt to commit rape by the petitioner
upon the informant's minor daughter, aged about 10 years.

Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He has
falsely been implicated in this case due to land dispute. It is
further submitted in para 9 of the petition that informant's



Gotani Meena Devi filed Complaint Case No. 451-C/2011 against the petitioner's father and brother due to land dispute in which informant is witness and the present case has been filed to put undue pressure upon the family members of the petitioner. As per statement of the victim girl recorded u/s 164 of Cr.P.C. which is annexed with the case diary, no sexual assault committed by the petitioner. The petitioner has got no criminal antecedent as stated in para-3 of the petition. It is further submitted that the petitioner is languishing in judicial custody since 28.01.2023.

Learned APP appearing for the state and learned counsel for the informant have opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Bagaha (Mahila) P.S. Case No. 89 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like



amount each to the satisfaction of learned Additional District and Sessions Judge-VII-cum-Special Judge (POCSO), West Champaran, Bettiah.

(Sunil Kumar Panwar, J)

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