

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 37063 of 2023

Arising Out of PS. Case No.-125 Year-2023 Thana- AMARPUR District- Banka

PIYUSH KUMAR YADAV S/O VRINDA YADAV @ BIRENDRA YADAV
R/O Village- Ramchandrapur Ithari, P.S- Amarpur, Distt.- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 05-09-2023

Heard the parties.

2. The petitioner is in custody in connection with Amarpur P.S. Case No. 125 of 2023 for the offence under sections 341, 323, 354B, 506 of the Indian Penal Code and 15 of POCSO Act lodged on 03.03.2023 by the informant, Bijli Kumari.

3. As per the prosecution story, the allegation is that in absence of her parents, the petitioner trespassed her home and tried to outrage her modesty. Accordingly the FIR.

4. It is the case of the petitioner with the help of the statement made in paragraph 9 that during radiological test of the victim, the Medical Officer, Banka opined her age to be between 17-19 years and as such she cannot be put in the category of minor girl.

5. The further submission is that the petitioner do not have criminal antecedent and is in custody since 03.03.2023 (as



stated in paragraph 12 of the petition) and he will have no connection either with the girl or her family members, if released on bail.

6. Learned APP opposes the prayer for bail stating that even if the daughter has opined her age to be between 17-19 years, that does not allow anyone to trespass and outrage her modesty and beat a girl.

7. Taking into account the submissions put forward by the learned counsel for the rival parties, chargesheet submitted, the petitioner is nineteen years of age, still has time to reform himself, do not have criminal antecedent and is in custody since 03.03.2023, will ultimately face the trial, this Court is inclined to extend him the privilege of bail with conditions.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Addl. Sessions Judge-6-cum-Spl. Judge POCSO, Banka, in connection with Amarpur P.S. Case No. 125 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;



(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(vi) the petitioner shall have no connection either with the girl or her family members.

9. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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