

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43186 of 2023

Arising Out of PS. Case No.-1172 Year-2022 Thana- KAHALGAON District- Bhagalpur

PRAVESH YADAV Son of Dilip Yadav Resident of Village - Ogri, Police
Station - Kahalgaon, District - Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sushma Kumari Daughter of Gopal Mandal Resident of Village - Ogri,
Police Station - Kahalgaon, District - Bhagalpur

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 **26-07-2023** Learned counsel for the petitioner is permitted to
remove defect (s), as pointed out by the office, if any, within a
period of four weeks on resumption of physical mode.

2. Heard learned counsel for the petitioner and learned
A.P.P for the State.

3. The petitioner has preferred this application for
grant of regular bail in connection with POCSO Case No. 216 of
2022 arising out of Kahalgaon P.S. Case No. 1172 of 2022 dated
01.11.2022 registered for the offences u/ss 354, 379 and 376 of
the Indian Penal Code and section 4 of POCSO Act.

4. As per the prosecution case, the petitioner and the
co-accused person are alleged to have misbehaved with the



informant and the petitioner committed rape on her. When the informant's brother went to rescue, the co-accused person caught hold of him and started assaulting and also snatched Rs. 600/- and silver chain.

5. Learned counsel for the petitioner has submitted that the petitioners is innocent and has falsely been implicated in this case. There is no statutory compliance of sections 53A and 164A of the Cr.P.C. Learned counsel has further submitted that the complaint was filed in 2016 and the FIR was lodged after six years i.e. in 2022. As per impugned order, the victim in her statement recorded under section 164 of the Cr.P.C. has stated that she solemnized her marriage with the petitioner and they have two children. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 20.01.2023.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court



concerned, Bhagalpur in connection with POCSO Case No. 216
of 2022 arising out of Kahalgaon P.S. Case No. 1172 of 2022.

8. The application stands allowed.

(Chandra Prakash Singh, J)

guddukr/-

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