

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57388 of 2022

Arising Out of PS. Case No.-263 Year-2020 Thana- RAMPUR District- Gaya

UMAKANT @ CHHOTE @ SATISH YADAV Son of Lal Babu Yadav R/V-
Sujatpur, P.S- Ghoshi, Dist- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anand Kishore Sinha, Advocate

For the Opposite Party/s : Mr.Vinod Shanker Modi, App

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 23-02-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
POCSO Case No.105/2020 arising out of Rampur P.S. Case No.
263/2020 registered for the offences punishable under Section
377 of the Indian Penal Code and Section 4 of the POCSO Act.

As per the prosecution, the informant who is
Superintendent of an observation home, Gaya alleged that this
petitioner sexually molested another delinquent namely Aman
Kumar @ Aman Jain, who was residing in the same said
observation home.

The main submissions advanced by the learned
counsel Mr. Anand Kishore Sinha for the petitioner are that he
has got bail in the case in which he was in remand home and



also got bail in another case which has been shown as his criminal antecedent and accordingly he is on bail in both the antecedent cases. Further submission is that the petitioner has been remanded in this case on 27.01.2022 and since then he has been languishing in jail in the present matter and his trial has started and four witnesses of the prosecution have been examined and from their evidence, no substantive material came into light to connect the petitioner to the alleged occurrence. Further submission is that spot inquiry was also made in respect of alleged occurrence and neither the victim's cloths were seized nor they were sent for examination in laboratory. Further submission is that in actual in the observation home, where the petitioner was kept, illicit activity of consuming of drug was being done by some inmates which was objected by the petitioner and then the instant matter was falsely prepared and fabricated.

Learned APP Mr. Vinod Shanker Modi appearing for the State has opposed the bail prayer.

In view of the facts, as stated above, and mainly considering the petitioner's custody period and his young age, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released



on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand)
with two sureties of the like amount each to the satisfaction of
the concerned Court in connection with POCSO Case
No.105/2020 arising out of Rampur P.S. Case No. 263/2020.

(Shailendra Singh, J)

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