

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66056 of 2022

Arising Out of PS. Case No.-149 Year-2022 Thana- ISHAKCHAK District- Bhagalpur

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RAGHUVANSH RAJ YADAV S/O Musay Yadav R/O village- Bishanpur,
Jicho, P.S- Lodipur, District- Bhagalpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Syed Masleh Uddin Ashraf, Advocate
For the Informant	:	Mr. Kamal Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr. Uday Chand Prasad, APP

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

ORAL ORDER

2 20-03-2023 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.

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

The petitioner has preferred this application for grant of regular bail in a case registered under sections 376, 498A, 494, 406 and 420 of the Indian Penal Code and section 4/8 of the POCSO Act.

As per the prosecution case, the petitioner is alleged to have committed rape on the informant in the year of 2019 while she was of 12 years old. Thereafter, she solemnized marriage with the petitioner as per Hindu rites and custom on



13.03.2020. After marriage she went to her matrimonial home where she was physically and sexually assaulted by the petitioner and the petitioner also took 5 to 10 lakhs by enticing her and also snatched golden ornaments. In the meantime, the petitioner contracted second marriage with Shabnam Kumari.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. There is no allegation of demand of dowry. The medical board assessed the age of the victim as more than 18 years. The informant is a major girl. POCSO Act is not applicable in this case and no offence under section 376 is made out against the petitioner and he is the husband of the informant. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 06.08.2022.

Learned counsel for the Informant as well as learned APP for the State have vehemently opposed the bail petition of the petitioner.

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 POCSO case No. 156 of 2022 (arising out of Ishaqchak P.S. Case No. 149 of 2022), with a condition that the petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

The application stands allowed.

(Chandra Prakash Singh, J)

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