

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74067 of 2022

Arising Out of PS. Case No.-111 Year-2022 Thana- SABAUR District- Bhagalpur

Rohit Kumar Yadav S/o Late Inder Lal Yadav @ Indradev Yadav R/o Village-
Navtolia, P.S.- Madhuradpur (Nathnagar), Distt- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-03-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Sabaur
P.S. Case No. 111 of 2022 registered for the offence under
Section 363, 366, 366(A) and 376 of the Indian Penal Code (for
short 'I.P.C.') and under Section 04 of the POCSO Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 17.09.2022.

The allegation against the petitioner is to kidnap
minor daughter of the informant, aged about 17 years, for the
purpose of illicit intercourse/marriage and also committed rape
upon her.



Learned counsel appearing on behalf of the petitioner submitted that the petitioner implicated falsely in present case for the reason that he was in love affairs with the alleged minor daughter of the informant, which was not accepted by informant and his family members. It is submitted that victim solemnized her marriage with petitioner out of her own sweet will and they were leading their conjugal life happily. It is submitted that allegation, as regard to kidnap and sexual assault, is not available against this petitioner, as per statement of the victim recorded under Section 164 of the Cr.P.C. While concluding the argument it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

Learned APP for the State opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as allegation of rape and sexual assault is not available against this petitioner, where it appears that victim solemnized her marriage with this petitioner out of her own sweet will coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Sabour P.S. Case No. 111 of 2022 on furnishing



bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge 6th -cum-Exclusive Special Judge POCSO, Bhagalpur/concerned Court, subject to the conditions as mentioned under Section 437(3) of Cr.P.C.

(Chandra Shekhar Jha, J)

pooja/-

U		T	
---	--	---	--

