

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12964 of 2024

Arising Out of PS. Case No.-9 Year-2023 Thana- LAUKAHA District- Madhubani

=====

Sajjan Kumar Yadav @ Sajjan Kumar Yadav @ Sajjan Kumar Son Of
Shyamdev Khaidwar @ Shyamdev Yadav R/O Village- Jhanjhpathi, P.S.-
Khutauna, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr.Gagan Deo Yadav, Advocate
	:	Mr.Ravi Prakash, Advocate
	:	Mr.Udeshya Kumar Yadav, Advocate
	:	Mr.Rajesh Kumar, Advocate
For the Opposite Party/s	:	Mr.Rajiv Nayan, APP

=====

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 09-05-2024 Heard learned counsel for the petitioner, learned
APP for the State and perused the case diary.

2. The petitioner seeks bail in connection with
Laukaha P.S. case No. 9 of 2023 instituted for the offences
under Sections 376 of the Indian Penal Code and 4, 6 of the
POCSO Act.

3. Prosecution case, in short, is that this petitioner
made physical relations with the informant on the pretext of
marriage.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.
Learned counsel further submitted that victim in her statement



recorded under Section 164 of the Cr.P.C. has categorically stated that she loved this petitioner and she would marry him and she further stated that on the alleged date, she left her house on her own sweet will (Annexure-3 to the present bail application). Learned counsel further referred the medical report of the victim and submitted that there is no sign of rape as per the said report. Learned counsel further submitted that victim has not whispered anything relating to the sexual assault in her statement recorded under Section 164 of the Cr.P.C. Charge-sheet has been submitted in this case. It has been submitted on behalf of the petitioner that the petitioner is in custody since 11.01.2023 and has no criminal antecedent.

5. Learned A.P.P. for the State and learned counsel for the informant vehemently opposed the prayer for grant of bail to the petitioner. Learned counsel for the informant further submitted that charge has been framed against the petitioner and one of the five witnesses has been examined.

6. Considering the aforesaid facts and circumstances of the case, Section 164 statement of the victim, clean antecedent of the petitioner, present stage of the trial as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.



7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Laukaha P.S. case No. 9 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Rudra Prakash Mishra, J)

Alok Verma/-

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

